

PROPOSED Amendments to Section 7.27- SOLAR ENERGY SYSTEMS (SES)

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SECTION 7.27 – SOLAR ENERGY SYSTEMS (SES)

A Solar Energy System (SES) as defined by this Ordinance is allowed as a Special Land Use when approved by the Planning Commission in accordance with the process defined herein. Utility Scale/Large Solar Energy Systems are permitted as a special use only in agricultural zoned property. Small Scale/Personal Systems shall be permitted as an accessory use structure in all zoning districts. In addition to the standards and requirements specified in the Ordinance, the Planning Commission shall not approve the issuance of a Special Land Use Permit unless the requirements in this section shall be met.

- A. PURPOSE AND INTENT.** To promote the use of solar energy within Marquette Township as a clean alternative energy source and to provide for the land development, installation, and construction regulations for large solar farms and small residential solar facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish requirements and standards for the placement, construction and modification of solar facilities, while promoting a renewable energy source for our community in a safe, effective, and efficient manner.

With advances in technology of SES, in general, specific locations within the Township may support the implementation of Utility Scale SES. To prepare for potential solar projects within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure solar development sites are appropriately located so as to protect the character and stability of the Township's residential, agricultural, recreational, commercial, and/or industrial areas while simultaneously preserving and protecting the Township's important and sensitive ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

B. DEFINITIONS.

- 1. Ancillary Solar Equipment.** Any accessory part or device of a SES that does not require direct access to sunlight, such as (but not limited to) batteries, electric meters, converters, or water heater tanks.
- 2. Applicant.** An individual, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees

requesting permission to have a Small Scale/Personal SES or a Utility Scale/ Large SES erected on property within Marquette Township abiding by the terms indicated in this Ordinance. The duties and obligations regarding a zoning approval for any approved SES shall be with the SES owner, and jointly and severally with the owner/operator and lessee of the SES if different than the SES owner.

3. **Decommissioning Plan.** A document that details the planned shutdown and/or removal of a SES.
4. **Operator.** A person designated by the owner who maintains and keeps records of the SES maintenance.
5. **Owner.** A business or corporation that has the legal right of possession of a Utility Scale/Large SES.
6. **Participating Landowner.** A landowner who has leased land to the SES applicant, recorded the notice of a lease agreement with the Mackinac County Register of Deeds, and has a contract with the SES applicant. A Participating Landowner may also be called a SES contract leaseholder and may or may not have equipment or infrastructure located on their property.
7. **Participating Landowner, Non-.** A landowner who has not signed a contract or any legal document with the SES applicant and has not given up rights to their owned land to the SES applicant.
8. **Public Road.** Any road or highway which is now or hereafter dedicated to the public and is under jurisdiction of the Mackinac County Road Commission and/or the Michigan Department of Transportation (MDOT).
9. **Solar Siting.** Location of any size SES on the applicant's property so that it complies with all site zoning limitations and is suitably located to allow production of the intended solar energy.
10. **Solar Collector Surface.** Any part of a SES that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
11. **Solar Energy.** Radiant energy received from the sun that can be collected in the form of heat or light by a SES.
12. **Solar Energy System (SES).** A system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or

functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. SES's include, but are not limited to photovoltaic (PV) power systems and solar thermal systems.

- a. **Small Scale/Personal SES.** A SES that is accessory to the principal use on the site for which the sale to a public utility or others is not the primary purpose. A Small Scale/Personal SES shall be placed on a parcel of ground of not more than 5 acres.
- b. **Utility Scale/Large SES.** A SES that meets on or more of the following:
 - (1) is primarily used for generating electricity for sale and distribution to an authorized public utility, and/or
 - (2) the total surface area of all solar collector surfaces exceeds 1,500 square feet, and is not an accessory use.
 - (3) is constructed on a parcel of ground of more than 5 acres.
- c. **Building Mounted SES.** A SES affixed to a permanent principal or accessory building (i.e. roof or wall).
- d. **Ground Mounted SES.** A freestanding SES that is not attached to and is separate from any building on the parcel of land on which the SES is located and instead relies on its own support system attached to the ground.

13. Solar Glare. The effect produced by sunlight reflecting from a solar panel with intensity sufficient to cause a loss of visibility.

14. Solar Inverter. A type of electrical converter which converts the variable direct current (DC) output of a photovoltaic (PV)solar panel into a utility frequency alternating current (AC) that can be fed into a commercial electrical grid or used by a local, off-grid electrical network. It is a critical balance of system (BOS) component in a PV system, allowing the use of ordinary AC-powered equipment. Grid-tie inverters match phase with a utility-supplied sine wave. Grid-tie inverters are designed to shut down automatically for safety reasons upon loss of utility supply.

15. Wetlands. As used in this Ordinance, wetlands shall mean the areas defined as such by Michigan law (see Part 301 Inland Lakes and Rivers and Part 303 Wetland Protections of the Natural Resources and Environmental Protection Act, last revised effective 3-29-2019), and regulated by the Michigan Department of Natural Resources, and the Michigan Department of Environment, Great Lakes, and Energy.

C. STANDARDS FOR SMALL SCALE/PERSONAL SES. A Small Scale/Personal SES shall be permitted as an accessory use/structure in all zoning districts. If an SES is 5 acres or less and dedicated to agricultural use on the same property, it shall be a Small Scale/Personal SES. The SES is subject to the following standards:

- 1. Application for Approval of Small Scale/Personal SES.** A Small Scale/Personal SES requires an applicant to obtain all permits required by the Zoning Administrator and/or State agencies, except as excluded in Subparagraph 5. An application for approval shall be submitted to the /Zoning Administrator and shall include the following:
 - a. photographs of the property's existing conditions,
 - b. a plot plan, drawn to scale, indicating where the SES is to be installed on the property (or, if building-mounted, the system's location of the permanent building), including property setbacks and the total solar collector surface area and,
 - c. elevations showing the height of the SES:
 - (1) above ground for ground-mounted systems,
 - (2) and the elevation of the highest finished height of the system for a building-mounted system and the system shall not exceed the height of the finished roof surface on which it is mounted,
 - (3) if the system is mounted on a Flat Roof, the elevations shall show the highest finished height of the system and the highest point of the roof, including any parapets on the building,
 - (4) if the system is Wall-Mounted the edge of the Solar panel must not surpass the outside edge of any wall of the building.
- 2. Ground-Mounted and/or Building SES.** In all Zoning Districts, Ground-Mounted SES shall be located only in the rear or side yard and shall meet the setback regulations outlined in the Township Zoning Ordinance. The Building-Mounted SES shall follow the same district setback regulations as is required for the building it is mounted on. Ground-Mounted SES shall not exceed 15 feet in height, measured from the existing natural grade at the base of such equipment to the fully elevated point of the system. Building-Mounted Flat Roof Surface SES shall not exceed 8 feet above the roof's surface.
 - a. **Attachment.** SES shall be permanently and safely attached to the ground or building, meeting all building code requirements. Proof of the safety and reliability of the means of such attachment, in the form of certification by a professional engineer or other qualified person, shall be submitted with the application.

- b. Installation and Maintenance.** SES shall be installed and maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the plot plan application.
 - c. Solar Glare.** The SES shall not cause solar glare when viewed from any other property or public or private road.
 - d. Coating and Color.** A SES shall have a non-glare coating and be of a neutral color. No advertising copy may be included on the SES larger than 100 square inches.
 - e. Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the construction codes of the State of Michigan and other applicable State and Township laws. Installation of a SES shall not commence until all required permits have been issued.
- 3. Ancillary Solar Equipment.** Where feasible, Ancillary Solar Energy equipment shall be located inside of a building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the construction codes of this State, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.
- 4. Safety.** Solar systems present special considerations for firefighters and responders. Potential system hazards include tripping, structural collapse due to extra weight from the system, fire spread (depending on the materials used), inhalation/exposure to toxic materials, electrical shock and other hazards if battery energy storage systems are also present. The SES must meet the guidelines for safety as outlined by the IFC (International Fire Code), the NFPA (National Fire Protection Association), and the NEC (National Electric Code).
- 5. Exclusions from Permits for Small Scale/Personal SES.** The following situations do not require permits, but shall still comply with all other standards of the Ordinance:

 - a. the installation of 1 Building-Mounted SES with a total solar collector surface area of less than 8 square feet.
 - b. the installation of 1 Ground-Mounted SES with a height of less than 6 feet and a solar collector surface of less than 8 square feet.
 - c. repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.

D. STANDARDS FOR UTILITY SCALE/LARGE SOLAR FARM SES. All applications for a Special Land Use Permit for an SES shall require a site plan for each construction phase to be presented to the Planning Commission for approval. A Utility Scale/Large Solar Farm SES shall be permitted as a Special Land Use in all zoning districts except the R-1, R-2, and R-3 Districts, subject to the following standards:

1. **Application for Approval of Utility Scale/Large Solar Farm SES.** Application to establish a Utility Scale/Large Solar Farm SES shall be made in accordance with the Township Zoning Ordinance, Section 6.03, being the procedures for an approval of Special Land Use Permit Site Plan Review.
2. **Height.** A Utility Scale/Large Solar Farm SES shall not exceed 15 feet in height, measured from the existing natural grade at the base of such equipment to the fully elevated highest point of the system.
3. **Soil Erosion.** Soil erosion from water runoff shall be no more than pre-construction conditions based on standards of the USDA Soil Conservation Service.
4. **Fencing.** A Utility Scale/Large Solar Farm SES shall be secured with perimeter fencing between the solar system and the vegetative screening to restrict unauthorized access. Perimeter fencing shall be equal to or greater than 8 feet in height. Barbed wire is prohibited and fencing is not subject to setbacks.
5. **Screening.** The SES shall follow the screening and/or landscaping standards for the zoning district of the project site to conceal the solar array from visual observation. All four sides of the SES shall be screened. Any required screening and landscaping shall be placed outside the perimeter fencing. Other screening requests shall be considered by the Planning Commission. At the discretion of the Planning Commission, the Utility Scale/Large Solar Farm SES shall utilize "screening" consisting of a combination of vegetation and native conifer trees. Berms are prohibited from use as screening. Requirements include a minimum screening height of 70 percent of the maximum height of the SES at construction completion. In addition, the minimum effectiveness of the utilized combination of visual barriers will be a 70% "opacity" or lack of transparency in the required areas. It shall further include the installation and maintenance of a native perennial vegetation mix of low-growing, flowering plants and grasses underneath and surrounding all components of the SES until the site is decommissioned. Vegetation establishment and maintenance must include the control of invasive plant species and noxious weeds. The area inside the screening will be "brush-hogged" once between July 1 and July 31 each year the SES is operational. Existing trees shall be preserved within areas where screening is required. The Planning Commission may allow existing foliage on a participating lot to count as the required screening landscaping, providing that it creates a sufficient screen from neighboring residential uses. Foliage on non-participating lots shall not count for screening requirements. If existing foliage is permitted to count for screening requirements, the SES owners shall be responsible for the maintenance of the existing foliage, including the planting of new landscaping to replace any areas that no longer form a sufficient screen due to death, disease, or destruction of plants. All unhealthy plants, (60% or greater of individual plants) and dead plant material shall be removed and replaced by the owner/operator of a Large SES within 6 months or by the next appropriate planting period, whichever occurs first, but

under no circumstances shall the owner of a Utility Scale/Large Scale Solar Energy System allow unhealthy or dead material to remain in place for more than 6 consecutive months.

6. **Exterior Lighting.** Applicant must submit with the application a plan that describes all lighting that will be utilized. Such a plan shall include, but is not limited to, the planned number and location of lights, light color, activation methods and effect on Township residents. Applicant shall, if available, provide example locations with product descriptions where similar or proposed lighting solutions are currently deployed. Lighting shall be limited to inverter and /or substation locations only. Light fixtures shall have down-lit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water and adjacent roadways. Flashing or intermittent lights are prohibited.
7. **Setbacks.**
 - a. **Participating Properties.** The minimum setback from an occupied dwelling of a participating landowner shall be no less than 50 feet.
 - b. **Non-Participating Properties.** The minimum setback from any property line of a non-participating landowner shall be no less than 100 feet. Also, there shall be no less than 375 feet to an existing occupied dwelling.
 - c. **Road Right-of-Way.** The minimum setback from any road right-of-way shall be 60 feet.
 - d. **Non-Road Right-of-Way.** The minimum setback from any on-road (utility line, overhead power line, etc.) right-of-way shall be 100 feet or in accordance with federal guidelines whichever is greater.
 - e. **Lakes, Rivers, Streams, and Wetlands.** Minimum setbacks will comply with existing state and federal regulations and laws.
8. **Lot Size.** The minimum lot area required for Utility Scale/Large Solar Farm SES shall be great than 5 acres, subject to complying with all other requirements of the Ordinance.
9. **Signage.** Each SES shall have one sign per SES site, located at the roadside and one sign at each entrance to the site, easily visible throughout the four seasons. The signs shall be in accordance with existing Township ordinances and contain the following:
 - a. High voltage warning,
 - b. Participating landowner's name, SES owner's/operator's name,
 - c. Emergency telephone number and web address of the SES owner/operator,

- d. Unique identification such as address of SES. If more than one SES is on an access drive, units shall have further identification such that first responders can positively identify the location. For example: 1000 Power Lane, Pickford, MI 49774.

10. Coating and Color. A SES shall have a non-glare coating and be of a neutral color. No advertising copy may be included on the SES.

11. Stray Voltage. The applicant shall demonstrate that the SES prohibits stray voltage, surge voltage, and power from entering the ground (except for electrical grounding apparatus).

12. Communication Interference. Each SES shall be designed, constructed, and operated so as to not cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the applicant/operator must produce confirmation that said interference has been resolved to the satisfaction of the Township Board of Trustees within 90 days of receipt of the complaint. Any such complaints shall follow the process stated in the Complaint Resolution section. (paragraph 31)

13. Safety. SES present special considerations for firefighters and responders. Potential system hazards include tripping, structural collapse, fire spread, inhalation exposure to toxic materials, electrical shock, and other hazards if battery energy storage systems are also present. The SES must meet the guidelines for safety as outlined by the IFC (International Fire Code), the NFPA (National Fire Protection Association) and the NEC (National Electrical Code). Additionally, the SES shall meet the following safety requirements:

- a. the SES shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors/gates that are kept securely locked at all times when service personnel are not present,
- b. all materials and/or equipment used in maintenance shall be properly and safely removed in a timely manner from the SES site. If materials and/or equipment are kept on site they must be stored in a secured building,
- c. all collection system wiring shall comply with all applicable safety and stray voltage standards.

- 14. Safety Manual.** The applicant must provide unredacted copies of all safety manuals and applicable Material Safety Data Sheets (MSDS) for all proposed SES equipment and materials without distribution restraints at the time of application for a Special Land Use Permit, to be kept at the Township Hall and other locations deemed necessary by the Planning Commission or local first responders. The manuals and MSDS should include details of materials and chemicals that may be encountered by first responders in an emergency situation as well as safe distances and safety procedures to be observed.
- 15. Protection of Adjoining Property.** In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve a SES Special Land Use Permit unless it finds that the SES will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining property, the environment or area wildlife based on the recommendation of the United States Fish and Wildlife Service (USFWS) and/or State of Michigan DNR or EGLE. Any damage to underground drainage tiles, other storm water infrastructure, and/or county drains caused by the installation of the SES shall be repaired by the SES owner within 90 days of the discovery of the damage. The Planning Commission may extend this deadline upon determination that the SES owner has made good faith progress toward the repair.
- 16. Escrow for Permitting Costs.** An escrow account shall be established when the applicant applies for a SES Special Land Use Permit. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Zoning Administrator to cover all reasonable costs and expenses associated with the application review and approval process. Costs can include, but are not limited to, the fees of officials appointed or contracted by the Township as well as any reports or studies which the Township anticipates it may have done related to the Special Land Use Permit process. Such escrow amounts shall include regularly established fees. At any point during the review process, the Township may require the applicant place additional monies into the escrow account should the amount in the account drop below \$500.00. If the escrow account needs replenishing and the applicant refuses to do so within 14 days after receiving notice, the review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amount which is in excess of actual costs shall be returned to the applicant within 90 days of the permitting process completion. An itemized billing of all expenses shall be provided to the applicant. The Township shall hire qualified professionals for each and any of the technical fields (e.g. environmental, economic, wildlife, health, and land use) required during the approval process.
- 17. Abandonment.** The owner or operator of a Utility Scale/Large Scale Solar Farm SES shall provide the Township Board of Trustees with quarterly reports on usage and output of the SES. If this information is considered a confidential trade secret, the Township, upon written request from the owner/operator, will keep such information confidential to the

extent and through the means authorized by Public Act 442 of 1976. Any SES that is not used to produce energy for a period of 6 successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this Ordinance, unless the owner/operator receives a written extension of that period from the Township Board of Trustees in a case involving an extended repair schedule for good cause.

18. Decommissioning. To ensure proper removal of each Utility Scale/Large Scale Solar Farm SES when it is abandoned or deemed non-operational, ~~an application for a Special Land Use Permit shall include a proof of the financial security in effect before the permit is approved.~~ *a security guarantee is required.* The security guarantee shall be in the form acceptable to the Township and may be a cash deposit, letter of credit, or surety bond. Each SES shall have its own security guarantee escrow account. *Such security guarantee shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township, after a Special Land Use Permit has been approved but before construction operations begin on the SES project.* The escrow agreement shall be reviewed by an attorney selected by the Township and financed from the Permitting Cost Escrow account.

- a. The amount of each SES security guarantee shall be the average of at least 2 independent demolition quotes obtained by the Township. *An additional 10% of the averaged estimated decommissioning cost will be added to the escrow amount for unforeseen litigation costs, attorney fees, expert fees, and 3rd party consultants should the owner/operator declare bankruptcy or otherwise abandon the SES.* *Regardless of the amount of the demolition quotes, the security guarantee shall be no less than the original amount of the SES value, with 150% for the first SES, 120% for the second SES, and 100% for each additional SES.* Quotes shall be based on individual SES removal and shall not group multiple SESs simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolition companies and quotes shall not include salvage values. The security guarantee shall be updated every 2 years at the rate of 1.5 times the Consumer Price Index (CPI) for each year.
- b. Failure to keep such financial security in full force and effect at all times while the SES exists shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance and shall subject the owner/operator to all available remedies to the Township including, but not limited to, enforcement action, fines, revocation of the Special Land Use Permit, and/or SES removal.
- c. The owner/operator shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed, and the Township has to enforce removal.

- 19. Transfer or Sale.** In the event of a transfer or sale of the SES, the Township shall be notified, and the Special Land Use Permit may be amended administratively by the Township Board of Trustees.
- a. A change in ownership alone shall be considered a minor amendment to the Special Land Use Permit and may be approved administratively without a public hearing.
 - b. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all Utility Scale/Large Solar Farm SES as outlined herein, including a public hearing.
 - c. Upon transfer or sale, the security guarantee shall be always maintained, the estimated costs of decommissioning shall be resubmitted, and the security guarantee adjusted to account for the new estimate.
- 20. Substations and Accessory Buildings.** Structures related to a SES shall be subject to the dimensional and location standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetative or manmade screening shall be required to minimize visual impact off-site.
- 21. Infrastructure Wiring.** All electrical connection systems and lines from the SES to the electrical grid interconnection shall be located and maintained underground. Buried depth shall be such that causes no known environmental, land use, or safety issues. Depth shall be in accordance with State of Michigan Electric Codes. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as where geologic conditions prohibit burial or in the case of a demonstrated benefit to the Township. The waiver shall not be granted solely on the basis of cost savings to an applicant. A request for variation shall consider aesthetics, future use of the land, and the effect on nearby landowners.
- 22. Inspections.** The Township shall have the right upon issuing a Special Land Use Permit for a SES to inspect the premises and equipment of the SES at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be paid by the owner/operator of the SES.
- 23. Utilization of Prime Agricultural Land.** Land that is or has been subject to the Michigan Farmland and Open Space Preservation Act (commonly referred to as PA 116), administered by the Michigan Department of Agriculture and Rural Development (MDARD), may be eligible for Utility Scale/Large Solar Farm SES installations, subject to all other (but no additional) provisions of this section.

- 24. Government Compliance.** A Utility Scale/Large Solar Farm SES shall comply with all applicable Township ordinances and statutes and regulations of the State of Michigan and the Federal Government.
- 25. Road Damage.** The applicant and/or its contractor shall inform the Mackinac County Road Commission (MCRC) and the Township of all the roads they propose to use as haul routes to each construction (including repair and decommissioning) site. This shall be done prior to beginning any construction (or decommissioning) at any site. A third-party road inspector will be retained with mutual approval of the Township, the applicant, and the MCRC or the MDOT if a state highway is involved. The road inspector will determine any precautions to be taken (including videotaping and physical inspections) during the construction/decommissioning process to determine any damage that may be caused by the applicant's contractor(s). If damage to the road is caused by the construction/decommissioning process the third-party road inspector will determine the repair procedure to return the road to the appropriate standards. The cost of the third-party inspector and/or any other required assistance and all of the repairs necessitated to restoring the roads (and related property which may have been damaged during the construction/decommissioning process shall be the responsibility of the SES owner/operator and/or their contractor and shall in no case be the responsibility of the Township. Monies for the services of the third-party road inspection may be taken from the Permitting Cost Escrow Account.
- 26. Liability Insurance.** The current SES owner/operator shall insure for liability the SES in an amount of \$2,000,000.00 per occurrence, per SES site, without interruption until removed and comply with section 27, "Site Insurance" to make certain funds are available to resolve damage/injury claims.
- 27. Site Insurance.** The applicant shall provide proof of Commercial General Liability Coverage during the application process and shall maintain this in effect at all times during the construction, operation and decommissioning for each SES in the Township. This coverage shall have a minimum liability of \$2,000,000.00 per occurrence, including but not limited to bodily and property damage liability coverage. To assure that this coverage remains in effect, the Township shall be named as an "Additional Insured" with the right to be notified of cancellation and/or significant reduction of coverage, and applicant shall provide annual (or more frequently if appropriate to the term of coverage) proof of the continuing insurance. Aggregate policies are allowed if minimum coverage per SES is satisfied, and coverage is provided for every site where applicant's equipment is located.
- 28. Removal and Site Renovation.** A condition of every approval shall be adequate provision for the removal of SES facilities in their entirety whenever they cease to actively produce power for 6 successive months or more. The Planning Commission can grant an extension of an additional 6 months upon the SES owner/operator demonstrating that the facilities will be put back into use, in which case the SES owner/operator must

provide data indicating the repaired SES is in good operational condition and functioning at an efficiency similar to surrounding SES's. Removal shall include the proper receipt of a Demolition Permit from the Zoning Administrator and proper restoration of the site, including but not limited to all contracted participation parcels, to original condition. Removal of the structure, wiring and its components in the entirety. Restoration must be completed within 1 year of a non-operation determination.

29. Operation and Maintenance. In compliance with Township ordinances and other items that are pertinent to a large SES, as outlined in this Utility Scale/Large Solar Farm SES ordinance, each SES shall be kept and maintained in good repair and condition at all times. If a SES is not maintained in operational and reasonable condition or poses a potential safety hazard, the owner/operator shall take expeditious action to correct the situation, including SES removal as necessary. The owner/operator shall keep a maintenance log on each SES and must provide a copy of the complete log to the Township within 30 days of request.

30. Complaint Resolution. It is the intent of this Ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or owner/operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the owner/operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance shall be resolved in the following manner:

- a. Complaints shall be submitted to the Township in writing from the affected property owner, or written designee, including name, address, contact information and specific complaint. The written complaint shall include the specific section of the Ordinance which is believed to be violated. The complaint shall be added to the agenda of the next Township Board of Trustees meeting in accordance with the procedure for setting the agenda,
- b. the Township shall submit to the owner/operator of record notice of all written complaints to the Township within 30 days of receipt of any complaint. Complaints received by the Township and the date of any Township Board of Trustees meeting where complaints may be considered shall be communicated to the owner /operator at least 10 days prior to the meeting. The notice shall state that the Township Board of Trustees may determine that the SES, as well as the owner/operator is in violation of its permit and is therefore a nuisance and may be ordered out of service until the owner/operator can demonstrate compliance with the requirements of this Ordinance,

- c. upon review, if the Township Board of Trustees, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board of Trustees shall advise the owner/operator of the SES that an investigation has been requested by the Board,
- d. upon the notice that an investigation is to be conducted the SES owner/operator shall be required as a condition of the operation to fund an escrow account to cover the costs of the investigation of complaints for, but not limited to: glare, stray voltage, noise and signal interference in the amount of \$15,000.00 to be used at the discretion of the Township Board of Trustees to pay for third-party investigative services. Such funds shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township. When the escrow balance is below \$5,000.00 the Township shall notify the owner/operator, and the owner/operator shall replenish the account to the amount of \$15,000.00 within 45 days. All unused funds shall be returned to the owner/operator including an itemized receipt of funds used upon the resolution of the complaint,
- e. if the SES is found in violation of this Ordinance, the owner/operator shall take immediate action to bring the SES into compliance. If the owner/operator fails to bring the SES into compliance within 30 days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for the owner/operator is deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offence,
- f. if, upon investigation, the complaint is found to be frivolous and/or malicious in nature, any costs of the investigation will be the responsibility of the party making the complaint.

31. *Aggregate Total of Land Used for SES.* *For the protection of the agricultural uses in the Township no more than 10% of the total acreage of land zoned agriculture will be used for Utility Scale Solar Energy Systems.*