

**SEVILLE TOWNSHIP
ORDINANCE NO. 2021-0512**

**AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE REGARDING
SOLAR ENERGY**

The Township of Seville ordains:

SECTION 1. AMENDMENT OF CHAPTER IX

Chapter IX of the Zoning Ordinance is amended to add a subsection 9.3(g)(20) special land use as follows:

(20) Industrial Solar Energy Facilities pursuant to section 11.10 in District A only.

SECTION 2. ADDITION OF SECTION 11.10 TO THE ZONING ORDINANCE

Chapter XI of the Zoning Ordinance is amended to add new section 11.10, which reads as follows in its entirety:

SECTION 11.9: Special Use Permit for Industrial Solar Energy Facilities

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for industrial solar energy facilities development in Seville Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Industrial solar energy systems shall be ground mounted arrays of panels and shall be subject to this ordinance. Small/Private Solar Energy facilities shall be subject to _____.

A: Conflicting Regulations

Whenever any provisions of this Ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

B: Definitions

Abandonment: Any facility that is left in a state where it is no longer producing power.

Building Integrated Photovoltaics (BIVPs): A Small/Private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Decommission: To remove or retire from active service.

Ground Mounted Small/Private Solar Energy System: A Small/Private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

Height: The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

Industrial Solar Energy Facility: A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Industrial Solar Energy Facility Permit: A permit issued upon compliance with standards of this Ordinance.

Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.

Non-Participating Parcel: A property within that is not subject to an Industrial Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an Industrial Solar Energy facility.

Participating Parcel: A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing an Industrial Solar Energy facility.

Power Switchyard: A section of a substation where transmission or distribution lines are fed.

Small/Private Solar Energy System: A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Roof or Building Mounted Solar Energy System: A Small/Private or industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

C: Permitted Zones

The Planning Commission shall have the power to grant a Special Use Permit to allow an Industrial Solar Energy Facility in the Agricultural District, subject to the restrictions contained in this Ordinance. This special use permit, if denied by the Planning Commission, may be appealed in the same manner as any special land use permit.

D: Industrial Solar Energy Facility Standards

The following standards will be used when preparing, submitting and reviewing a Special Use Permit application for an Industrial Solar Energy Facility.

A. Avian Analysis

The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- 1) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- 2) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- 3) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

B. Environmental Impact

- 1) The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
- 2) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et

seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the industrial solar energy facility.

C. Setbacks, Separation and Security

The following setbacks and separation requirements shall apply to all Industrial Solar Energy Facilities:

- 1) All fences and improved areas located on the site shall comply with the applicable setback for the district in which it is located. Furthermore any structures or other improved areas located within the fence shall be at least thirty (30) feet from the fence line.
- 2) An Industrial Solar Energy Facility shall be located at least one hundred (100) feet from any residential dwellings, churches, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence.
- 3) An Industrial Solar Energy Facility shall be located at least two hundred fifty (250) feet from any non-participating property line and one hundred fifty feet (150) from the center line of a roadway
- 4) All access roads and storage areas shall be established on a 30 foot minimum from property line easement to a public right of way, which shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year.
- 5) All Industrial Solar Energy Facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and be at least 4 feet tall at time of planting. The buffer shall obtain a minimum height of 10 feet within 3 growing seasons. The trees may be trimmed but no lower than a height of 12 feet.
- 6) Each owner, operator or maintainer of the Industrial Solar Energy Facility to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of 12 inches.
- 7) Site Security. Industrial Solar Energy Facilities shall be surrounded by an eight (8) foot tall chain link fence woven with a green opaque material to restrict the view into the facility. The fence will be designed to restrict unauthorized access. The gate will be the same height and constructed of the same material as the fencing.
- 8) The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore an information sign shall be posted at all the entrances which shall list the name and phone number of the operator of the facility.
- 9) Industrial Solar Energy Facilities shall not be located on parcels of land less than 20 acres in size.

10) Maximum height for a solar panel shall be fourteen (14) feet. The maximum height of a Power Switchyard shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Farm is located. The height of required lightning rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.

D. Responsibility for Erosion and Flooding

Any erosion or flooding of property as a result of the construction of Industrial Solar Energy Facility structures or access roads is the responsibility of the developer/owner of the structures.

E. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) All access doors to the Industrial Solar Energy Facility and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- 3) A sign shall be posted near the entrance to the Industrial Solar Energy Facility that will contain emergency contact information.
- 4) The project shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
- 5) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.
- 6) A safety plan shall be in place and updated regularly with the fire department having jurisdiction over the Solar Farm.

F. Noise- No Industrial solar energy facility (Solar Farm) shall produce noise that exceeds any of the following limitations.

- 1.) Forty (40) Dba Lmax, as measured at any neighboring residence from the pbetween the hours of nine (9) p.m. and seven 7 a.m.
- 2) Forty (40) Dba Lmax as measured at the lot lines of the project boundry.

G. Lighting and Glare

- 1.) Lighting of the Industrial solar energy facility (Solar Farm) shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. The Township may require use of a photometric study to make this determination.

- 2.) No Industrial solar energy facility (Solar Farm) shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling on neighboring roads. Upon written notice from the Township Zoning Administrator, or such other person designated by the Township Board, to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of neighboring property or to persons traveling on neighboring roads, the owner of the Solar Farm shall have a reasonable time (not to exceed twelve (12) months) from the date of such notice to remediate such glare.

H Complaint Resolution

- 1) The Industrial Solar Energy Facility applicant shall submit a detailed, written complaint resolution process developed by the Industrial Solar Energy Facility applicant to resolve complaints from the Township board or the property owners or residents concerning the construction or operation of the Industrial Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
- 2) The Township board shall appoint a 3 member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the Industrial Solar Energy Facility owner.
- 3) The complaint resolution committee shall consist of (1) Township board member, (1) Planning Commission member, and (1) qualified elector chosen from the community.
- 4) The Township board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint.
- 5) All complaints need to be resolved within 30 days.

E: Application Procedures

A developer/operator of any Industrial Solar Energy Facility shall follow the following procedures for application for a special use permit to construct an industrial solar energy facility.

- A. Make application for special land use permit for alternative energy structures to the Planning Commission as required in section _____. The application for special land use permit for solar energy structures will be accompanied by the required fees and information as requested in this ordinance.
- B. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*

- C. Procedure: The Planning Commission review of a Special Land Use Permit application for a Industrial Solar Energy Facility will hold a public hearing and decision by the Planning Commission, per the procedures for review in Article 8. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Industrial Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).

F: Special Use Permit and Site Plan Review Requirements

An applicant proposing an Industrial Solar Energy Facility must submit the following materials with the Special Use Permit Application:

- A. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Industrial Solar Energy Facility shall also be dated to indicate the date the application is submitted to the Township.
- B. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- C. Insurance: Proof of the applicant's public liability insurance for at least Ten Million (\$10,000,000.00) dollars to cover the Industrial Solar Energy Facility, the Township, and the Landowner.
- D. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate an Industrial Solar Energy Facility on the property prior to construction.
- E. Environmental Impact: Copy of the Environmental Impact analysis.
- F. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- G. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment. All manuals shall be unredacted and any changes made to manuals or reports shall submit updated copies to the Township within 30 days of the changes.

- H. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
- I. Complaint Resolution: Description of the complaint resolution process.
- J. Fire suppression plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel. Plans on-site for emergency responders to have access to.
- K. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - 1) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
 - 2) Water bodies, waterways, wetlands, and drainage channels;
 - 3) Lighting plan;
 - 4) Plan(s) showing the location of proposed Industrial Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
 - 5) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction;
 - 6) Anticipated construction schedule;
 - 7) Description of operations, including anticipated regular and unscheduled maintenance;
 - 8) The applicant must also obtain a permit from the Gratiot County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Gratiot County Drain Commission for any culverts or other drainage facilities;
 - 9) Proof of approval by the Gratiot County Airport Zoning board of appeals;
 - 10) Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;
 - 11) A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Industrial Solar Energy Facility;
 - 12) The Industrial Solar Energy Facility shall not have any on-site battery storage;
 - 13) All electrical connection systems and lines from the Industrial Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of 6 feet underground both on the property where the solar energy facility is located and off site;
 - 14) An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to

apply for the necessary permits for construction and operation of an Industrial Solar Energy Facility;

- 15) A complete description of the proposed technology to include type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;
- 16) An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
- 17) A complete set of Photos of the entire development area prior to construction.

G: Application Fee & Escrow Account

An applicant for a Industrial Solar Energy Facility shall remit a special use permit application fee of \$2,500, a site plan review fee per acre, and required escrow fee to the Township in the amount specified in the fee schedule. This schedule is based on the cost to the Township of the review which may be adjusted from time to time.

Prior to issuance of the construction permit, the Township shall require as a condition of approval that the owner of the Solar Farm and Township enter into a decommissioning agreement setting forth a Decommissioning Plan, secured by a bond or escrow or irrevocable letter of credit to secure removal of the Solar Farm in the event the use is terminated and abandoned for a period of twelve (12) months. The amount of the bond or escrow or irrevocable letter of credit shall be equal to one-hundred twenty five (125) percent of the total estimated decommissioning and reclamation costs and estimated costs for review of the special use permit. These funds may be used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application, as well as necessary decommissioning.

The escrow amount shall be reviewed between the operator and the Township Board every two (2) years to ensure adequate funds are allocated; the security bond or escrow or irrevocable letter of credit shall be appropriately adjusted to reflect the current estimate. This security bond or escrow or irrevocable letter of credit shall be issued by a 3rd party and paid by the operator.

The security bond or escrow or irrevocable letter of credit shall be posted and maintained with a company licensed to do business in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township.

Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond or escrow or irrevocable letter of credit. In the event of sale or transfer of ownership and/or operation of the Solar Farm, the security bond or escrow or irrevocable letter of credit shall be maintained throughout the

entirety of the process and the new owner shall be required to provide a new security bond or escrow or irrevocable letter of credit.

If at any time during the operation of the Solar Farm or prior to, during, or after the sale or transfer of ownership and/or operation of the Solar Farm the security bond or escrow or irrevocable letter of credit is not maintained, the Township may take any action permitted by law, revoke the special conditional land use, order a cessation of operations, and order removal of the structure and reclamation of the site. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenished and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposits.

H: Abandonment and Decommissioning

- A. Abandonment: An Industrial Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned. It is the responsibility of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.
- 1) Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Industrial Solar Energy Facility and restore the site to its condition prior to the development of the facility within 6 months of notice by the Planning Commission or its designee.
 - 2) If the responsible party or parties fails to comply, the landowner is then responsible for removal of the facility.
 - 3) If the facility is not removed and the land restored to its prior condition within the 6 month time period, the Planning Commission or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
 - 4) Some type of metering system approved by the Planning Commission must be part of the project showing that the system is operational.
- B. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to issuance of the zoning permit which shall include:
- 1) The anticipated life of the project;
 - 2) The estimated decommissioning costs net of salvage value in current dollars;
 - 3) The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and

foundations. Complete restoration of the property to its original condition prior to the Industrial Solar Energy Facility construction; and

- 4) The anticipated manner in which the project will be decommissioned and the site restored.

The owner(s) and/or operator of the Solar Farm shall post a security bond or escrow or irrevocable letter of credit in a form acceptable to the Township as set forth in the Application Fee section above.

- 5) The great of 125% of the decommissioning cost of \$25,000 per acre to be set aside for decommissioning and at least half of the funds needs to be supplied in a cash account maintained by the township prior to the project construction.

I: SMALL/PRIVATE SOLAR ENERGY FACILITY. Notwithstanding other provisions of this Section of the Ordinance, Small/Private Roof-Mounted or Ground-Mounted Solar Energy Facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A Small/Private Solar Energy Facility shall be required to have appropriate building permits.

A. All Small/Private Solar Energy Facilities are subject to the following minimum requirements:

- a. A Small/Private solar energy facility shall provide power or the principal use and/or accessory use of the property on which the Small/Private solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- b. A Small/Private solar energy facility connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.
- c. A roof-mounted facility may be mounted on a principal building or accessory building. A roof-mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building, height specified for the building type in the underlying zoning district. In no instance shall any part of the Small/Private solar energy facility extend beyond the edge of the roof.
- d. A ground-mount facility shall not exceed a height of fourteen (14) feet.
- e. The surface area of a ground-mount facility, regardless of the mounted angle, shall be calculate as part of the overall lot coverage.
- f. A ground-mount facility or facility attached to an accessory building shall not be located within the required front yard setback.
- g. The minimum ground-mounted Small/Private solar energy facility setback distance from the property line shall be equivalent to the principal building setback of the underlying zoning district.
- h. All mechanical equipment associated with and necessary for the operation of the Small/Private solar energy facility shall comply with the following

- i. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence that is at least fifty percent (50%) opaque may be used.
- ii. Mechanical equipment shall not be located within the minimum front yard set back of the underlying zoning district.

- iii. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.
 - i. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
 - j. All power transmission lines from a ground-mounted Small/Private solar energy facility to any building or other structure shall be located underground.
 - k. A Small/Private solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufactures and equipment information, warning or indication of ownership shall be allowed on any equipment of the solar facility provided they comply with the prevailing sign regulations.
 - l. The design of the Small/Private solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a Small/Private solar energy facility permit. All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization.
 - m. The Small/Private solar energy facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such facility.
 - n. Before any construction can commence on any Small/Private solar energy facility, the property owner must acknowledge in writing that he/she is the responsible party for owning, leasing and maintaining the solar energy facility.
- B. If a ground-mounted Small/Private solar energy facility is removed, any earth disturbance as a result of the removal of the ground-mounted facility shall be graded and reseeded.
- C. If a Small/Private solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector or Zoning Administrator, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector or Zoning Administrator. If the owner fails to remove or repair the defective or abandoned Small/Private solar energy facility, The Township may pursue legal action to have the facility removed at the owner's expense.
- D. Solar Access. The township makes no assurance of solar access other than the provision contained within this section. The Applicant may provide evidence of covenants, easements, or similar documentation from abutting property owners providing access to solar energy for the operation of a solar energy facility.

SECTION 3. VALIDITY AND SEVERABILITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be published and take effect seven days after publication as provided by law.

Approved this 12 day of May, 2021.

25473:00002:5326983-2