

**ORDINANCE AMENDING CHAPTER 18
OF THE BRIMFIELD MUNICIPAL CODE**

ORDINANCE NUMBER 2022-5

WHEREAS, the Village of Brimfield Municipal Code currently contains provisions regarding Zoning and land use in Chapter 18 of that code, which are authorized by the Illinois Compiled Statutes, and

WHEREAS, a recent review of the provisions in the Village of Brimfield Municipal Code revealed that those provisions need revision to codify the appropriate regulations for Solar Energy Systems.

NOW, THEREFORE:

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIMFIELD, PEORIA COUNTY, ILLINOIS, as follows:

Chapter 18 of the Village of Brimfield Municipal Code is amended by adding Sections 18.220 through 18.229 as follows:

Solar Energy Systems

Sections:

18.220	Purpose
18.221	Definitions
18.222	Ground Mount and Roofing Mount (SES)
18.223	Standard for a Solar Energy Generation Facility
18.224	Maintenance and Operations
18.225	Decommissioning Plan
18.226	Compliance with Building Code
18.227	Administration and Enforcement
18.228	General Provisions
18.229	Fees Charged for Building Permit

18.220 Purpose.

The purpose of this Chapter is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the Village in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this Chapter to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic developmental and job creation. This Chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinance. The provisions of this Chapter shall not be deemed to nullify and provisions of local, state, or federal law.

18.221 Definitions.

Unless otherwise expressly stated, for the purpose of this title, the following terms, phrases, words, and their derivations, shall have the meaning indicated in this Section:

“Accessory” means as applied to a building, structure, or use, one which is on the same lot, with, incidental to a subordinate to the main or principle structure, or the main or principle use.

“Collective Solar” means solar installations owned collectively through subdivision homeowners associations, college student groups, or other similar arrangements

“Ground Mount Solar System” means a solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure. Ground mounted solar collectors and supplementary solar energy equipment that is accessory to a residential or nonresidential use and covers an area no more than two (2) acres. In no instances can private solar be the only use on a parcel. Private solar is designed for onsite use by the owner or tenant of the residential or nonresidential use to reduce payments to utility company. All ground mounted solar energy system must be no glare panels to avoid distractions to adjacent landowners.

“Roof Mount” means a solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

“Solar Access” means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

“Solar Collector” means a device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into, thermal, mechanical, chemical or electrical energy.

“Solar Energy” means radiant energy received from the sun that can be collected in the forms of heat or light by a solar collector.

“Solar Energy Generation Facility/Large Scale Solar Farm” means a utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity. All solar farms must have no glare panels to avoid distraction to adjacent landowners.

“Solar Energy System (SES)” means the components and subsystem required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

18.222 Ground Mount and Roofing Mount (SES).

Roof Mount (SES) shall be permitted by a building permit in all zoning districts where there is a principal structure. An application shall be submitted to the Zoning Officer demonstrating compliance with the Village’s Zoning Ordinance and

in addition to the following requirements below: Ground Mount system could be allowed in side yards and rear yards only within the Village in all zoning districts after the variance process has been followed. An application shall be submitted to the Zoning Officer. It is the purpose of this Chapter to regulate the sitting and installation of ground mounted solar energy equipment. The promotion of safe, effective, and efficient use of ground mounted solar energy equipment will be balanced against the need to preserve and protect public health and safety.

18.223 Standards for a Solar Energy Generation Facility

- A. Setbacks: All solar energy equipment and accessory structures of the facility, excluding perimeter fencing, must comply with all setbacks, established in the underlying zoning district. In agricultural zoning districts, the setback for non-residential structures shall apply.
- B. Height: Roof-mount solar energy systems shall not project more than twelve (12) inches above the height of the principal structure on the zoning lot where the system is located. Ground or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt, or otherwise shall require a variance.
- C. Minimum conditions for a Special Use Permit
 1. Design and installation – Solar collectors shall be designed and located to avoid glare or reflection toward any inhabited buildings on adjacent parcels. Solar collectors shall be designed and located to avoid glare or reflection toward any adjacent roadway and shall not interfere with traffic or create a traffic or create a traffic safety hazard.
 2. Lighting – Lighting shall be limited to the extent required for security and safety purposes and to meet applicable federal, state, or local requirements. Except for federally required lighting, lighting shall be reasonably shielded from adjacent properties and, where feasible, directed downward to reduce light pollution
 3. Security Fencing – facility equipment and structure shall be fully enclosed and secured by a perimeter fence with a height in accord with the current National Electrical Code. Lock boxes and keys shall be provided at locked entrances for emergency personnel.
 4. Warning Signage – A visible warning sign of “High Voltage” shall be posted at all points of site ingress and along the perimeter fence of the facility, at a maximum of three hundred (300) feet apart. A sign that includes the facility’s 911 address and 24-hour emergency contact number shall be posted near all entrances to the facility.
 5. Utility Connection – The applicant shall submit with the special use application a copy of a letter from the electric utility company

confirming the review of the application for interconnection has started.

6. Fire Safety – It is the responsibility of the applicant to coordinate with the local fire protection district. The applicant shall submit with the special use application an approval letter from the local fire protection district
7. Roads – Any roads that will be used for construction purposes and egress and ingress shall be identified and approved by the road jurisdiction. All applicable road and bridge weight limits shall be met during construction and maintenance. All applicable permits shall be acquired from the road jurisdiction prior to start of construction. The applicant shall submit with the special use application an approval letter from the road jurisdiction(s).
8. Compliance with additional regulations – It shall be the responsibility of the applicant to coordinate with the FAA or other applicable federal or state authority to attain any additional required approval for the installation of a solar energy generation facility. The applicant shall submit with the special use application an approval letter from any federal or state authority requiring permit or approval.
9. Special Uses Fees – At the time of filing the special use application the applicant shall pay the filing fee as set forth in section 17.54.100 of this chapter

D. Minimum Conditions for a Building Permit

1. Building Permit – All solar energy generation facilities require a building permit to the initiation of construction. Three (3) full sets of construction plans that conform to the manufacturer's standards and the official codes of the Village shall be submitted with the building permit application. Said plans shall be certified by an Illinois licensed professional engineer.
2. Installation certification – An Illinois licensed professional engineer shall certify that the construction and installation of the solar energy generation facility meets or exceeds the manufacture's construction and installation standards and the official adopted codes of the Village.

18.224 Maintenance and Operation.

The owner of the solar energy generation facility or solar farm shall maintain the ground for such facility or farm. Such maintenance shall include all actions necessary to keep the facility grounds free of litter and debris. The owner shall keep all fences maintained in good repair. The applicant shall submit an acceptable weed and grass control plan for property inside and outside the fenced area for the entire

property. The applicant must comply with all Village ordinances regarding property maintenance.

18.225 Decommissioning Plan

- A. The solar energy generation facility shall be required to have a decommissioning plan to ensure it is properly removed upon the end of the project life or facility abandonment. For purpose of this Section, “facility abandonment” shall mean when no electricity is generated by the facility for a consecutive period of two (2) years or when the owner and/or operator of the solar energy generation facility. The decommissioning plan shall state how the facility will be decommissioned. Decommissioning shall include removal of all structures (including solar energy equipment and fencing) and debris to depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The owner shall restore the land to a condition reasonably similar to its condition before development of the solar energy generation facility, including replacement of top soil, which may have been removed or eroded, and replacement of trees. A decommissioning plan shall be submitted and approved prior to the issuance of the building permit.
- B. Financial security – Appropriate means of financial security shall be required as part of the decommissioning plan. The security shall be in the name of the village for one hundred percent (100%) of the estimate cost of decommissioning. The estimate cost shall not include any projected salvage value of solar energy equipment and other used equipment. The estimate cost shall be prepared by an Illinois licensed professional engineer. Security may be in the form of one of the following: Irrevocable Letter of Credit; Continues surety Bond; cash Escrow Account; or any other means deemed acceptable by the Zoning Officer.
- C. Agreement – The decommissioning plan shall also include an agreement between the applicant and the Village which states:
 - 1. Financial security must remain valid through the life of the project. An updated decommissioning plan including estimate costs prepared by an Illinois licensed professional engineer and financial security must be submitted to the Zoning Officer every four (4) years;
 - 2. The Village shall have access to the financial security funds for the expressed purpose of completing decommissioning if

decommissioning is not complete by the owner within six (6) months of the end of the project life or facility abandonment;

3. The Village is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning; and
4. The Village is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Village's right to seek reimbursement from owner or owner's successor for decommissioning costs which exceed the financial security and to file a lien against any real estate owned by the owner or owner's successor, or in which they have an interests, for the excess amount, and to take all steps allowed by law to enforce said lien.

- D. Release of Financial Security – Financial security shall only be released when the Zoning Officer determines, after inspection, that the conditions of the decommissioning plan have been met.

18.226 Compliance with Building Code.

All solar energy systems shall comply with the Village's Building and Property Maintenance Codes as well as all federal and state requirements.

18.227 Administration and Enforcement.

The Zoning Officer shall enforce the provisions of this Section through an inspection of the solar farm every year. The Zoning Officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the owner/operator of the facility. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face a fine of not less than Twenty-five dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

18.228 General provisions.

A. Reflection angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

B. Visibility. Solar energy systems shall be located in manner to reasonably minimize view blockage for surrounding properties and shading of property to the north while still providing adequate solar access for collectors.

C. Installation. All solar energy systems shall be installed by a qualified solar installer and in accord with the current National Electrical Code.

D. Utility connection. Any connection to the public utility grid shall be inspected and approved by the affected public utility.

E. Maintenance. All solar energy systems shall be maintained and kept in good working order. If it is determined by the zoning administration that the solar energy system is not being maintained, kept in good working order within a subdivision shall prohibit or restrict homeowners from installing solar energy systems.

F. Removal of non-operational systems. With the exception of commercial/large scale solar farms that are governed by the decommissioning process established under the Chapter, when the solar energy system is no longer operational or is no longer being used by the property owner for receiving and converting solar energy, the days of such system shall be removed from its location within sixty (60) days of such system component becoming non-operational or no longer usable for purposes of this provision, a solar energy system, or any component of any solar energy system (including individual solar panels), is considered non-operational or no longer useable if the system or component is no longer usable if the system or component is no longer converting solar energy into electric or thermal energy suitable for use or is no longer being used for such purpose for a period of three hundred sixty-five (365) continuous day. Further, when the solar energy or components have been removed as required herein, the solar energy system or component cannot be stored on an outdoor location on the property or on an outdoor location on any other property in the Village.

18.229 Fees charged for building permits

In addition to any applicable build permit fees, all solar energy systems shall be required an additional fee for processing the application for the solar energy system as follows:

System Serving Property Occupants	\$25.00
Community Solar Project	\$500.00
Commercial/Large Scale Solar Farm	\$1,000.00

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIMFIELD, PEORIA COUNTY, ILLINOIS, THIS 1st DAY OF AUGUST, 2022, AND APPROVED BY ITS PRESIDENT THE SAME DAY.

Acting President of the Board of Trustees

ATTEST:

Village Clerk

YEA: _____

NAY: _____

ABSENT: _____

Passed: August 1, 2022

Approved: August 1, 2022

Recorded: August 1, 2022