

MIDLAND TOWNSHIP ORDINANCE # 102

Solar Collection Devices Ordinance

An ordinance to apply to all solar collection facilities and devices within the Charter Township of Midland.

THE TOWNSHIP OF MIDLAND, MIDLAND COUNTY, MICHIGAN

Section 1. Title

This Ordinance shall be known as the Midland Township Solar Collection Devices Ordinance.

Section 2. General Standards

The following standards shall apply to all solar collection facilities in the Township:

- A. Responsibilities: The duties, obligations and liabilities associated with solar collection devices shall lie with the applicant or operator and the property owner, jointly and severally.
- B. Code Compliance: Solar collection devices shall be designed and installed in compliance with the manufacturer's installation instructions and comply with all State Construction Code and Fire Code requirements.
- C. Reflection/Glare: Solar collection devices shall be installed so that reflection or glare does not adversely impact surrounding residents, land uses, structures or road rights-of-way. All panels shall have tempered non-reflective surfaces. This may be accomplished by both the placement and angle of placement as well as substantial manmade or environmental barriers. If trees are used as barriers, they must be of such initial height as to provide dense and immediately effective, year-round

screening from the reflection or glare.

- D. Electromagnetic Interference: Solar collection devices shall be installed so as not to cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission (FCC) guidelines. In the event that such interference is experienced, the applicant or operator shall be responsible for correcting the conditions that created the interference, or for providing alternate service to each resident or property owner affected. The applicant shall be responsible for compensation to persons or property damaged by stray voltage.

E. Requirements for all Panels

1. The solar panels, solar shingles and array of panels shall be reviewed by the Building Department.
2. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the Building Department to isolate the panels in case of fire.
3. The Building Department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
4. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
5. The installation of the panels shall not require or be reliant on the clear cutting of trees or other vegetation.
6. The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

Section 3. Review Procedures and Required Information

Solar collection devices allowed as an accessory use shall be subject to administrative review and approval as per Section 1412 (Zoning Permits). All other solar collection devices shall be subject to site plan approval per Section 1404 (Site Plan Review). The following additional information requirements shall apply to any application for approval of a solar collection device:

- A. The following additional information shall be required as part of any application:
1. A written narrative describing the proposed project
 2. Height, length and angle of the solar collection devices

3. Detailed descriptions of all proposed grading, filling and tree or woodland clearing, site security measures, potential light reflection, concentration and glare impacts from solar collection devices on adjacent land, structures, uses and road rights-of-way and proposed measures for mitigation of any anticipated impacts
 4. A copy of the manufacturer's instructions and design prints, along with documentation that the solar collection devices will be installed in compliance with the manufacturer's instructions and all applicable State Construction Code and Fire Code standards
 5. Any other information deemed necessary by the Planning Commission to verify compliance with the standards of this Section
- B. The Township, within its reasonable discretion, may retain the services of a solar energy conversion systems expert to assist with review of the application or any site inspections. The expense thereof shall be the responsibility of the applicant.

Section 4. Additional Standards for Solar Collection Systems-Large Freestanding

The following additional standards shall apply to solar energy collection systems - large freestanding.

- A. A signed and notarized removal agreement for the future removal of the facility in accordance with the requirements of this Section, which shall also include the following:
 1. An estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer; and
 2. A performance guarantee, sufficient to ensure device removal, site restoration and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the devices in a timely manner.
- B. If the applicant's intent is to install a solar collection device that will be interconnected to the power grid, written documentation shall be provided that the electrical utility provider has been notified, along with any utility-required interconnection and parallel operating agreement.

Section 5. Additional Standards for Solar Collection Devices-Small

Freestanding solar energy collection devices-small-shall not exceed the height allowed for accessory structures in the zoning district where the devices are located. Solar energy collection devices that are mounted on a principal building shall not exceed the height of the building by more than two (2) feet, and shall not exceed the maximum height allowed in the zoning district.

Section 6. Inspection

The Township shall have the right upon issuing the required permits or approvals to inspect the premises on which the solar collection device is located at all reasonable times for the purpose of verifying compliance with the requirements of the Ordinance.

Section 7. Abandonment and Removal

Any solar collection device that is not used for 365 calendar days shall be deemed to be abandoned. The owner or operator shall remove a solar collection device for which a requires special use permit approval has been rescinded, that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:

- A. The device(s) shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the device.
- B. Failure by the owner to remove the device(s) in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the device at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
- C. Removal of the device shall include removal of any foundation, including concrete footings, support structures or other appurtenances to a depth of 48 inches below grade, and the land re-graded and restored to the original grade.
- D. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved device.

Section 8. Effective Date:

This ordinance shall become effective immediately upon the publication thereof.

Adopted by the Township Board, Charter Township of Midland, Midland County, Michigan at a meeting thereof held _____, 2018.

Dated: _____

Terry L. Holt
Midland Township Supervisor

Dated: _____

Shelly Armstrong-Miller
Midland Township Clerk