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**STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE**

ORDINANCE NO. 3309

**AN ORDINANCE ADOPTING A REGULATORY SOLAR
FRAMEWORK**

**ADOPTED BY THE
CITY COUNCIL
OF
THE CITY OF GREENVILLE
THIS 12th DAY OF September, 2023**

**Published in pamphlet form by authority of the City Council of the City of Greenville, Bond
County, Illinois, this 12th day of September 2023.**

**STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE**

ORDINANCE NO. 3309

**AN ORDINANCE ADOPTING A REGULATORY SOLAR
FRAMEWORK**

WHEREAS, it is the objective of this ordinance to meet the goals of the Comprehensive Plan and to preserve the health, safety, and welfare of the City of Greenville by promoting the safe, effective, and efficient use of solar energy systems. The solar energy standards specifically implement the following objectives for the Comprehensive Plan:

1. To encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
2. To promote sustainable building design and management practices to serve current and future generations.
3. To assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
4. To efficiently invest in and manage public infrastructure systems to support development and growth.

WHEREAS, the City of Greenville has committed to reducing carbon and other greenhouse gas emissions. Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat reduces dependence on nonrenewable energy resources and decreases the air and water pollution that results from the use of conventional energy sources.

WHEREAS, the City of Greenville is part of regional processes that has developed recommendations for greenhouse gas reductions, a purpose served by encouraging local solar development.

WHEREAS, distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of the City of Greenville's electric distribution infrastructure.

WHEREAS, solar energy is an underused local energy resource and encouraging the use of solar energy will diversify the City of Greenville's energy supply portfolio and reduce exposure to

fiscal risks associated with fossil fuels.

WHEREAS, solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

NOW, THEREFORE, LET IT BE ORDAINED by the Mayor and the City Council of the City of Greenville as follows:

SECTION 1-GENERAL STATEMENT: Sec. 154.01-154.04 (see attached Exhibit A) inclusive is hereby adopted to provide a regulatory framework for solar.

SECTION 2-REPEAL: All prior Ordinances which are inconsistent with the provisions of this Ordinance are also hereby repealed.

SECTION 3-SAVINGS PROVISIONS: In the event any section, subsection, sentence or phrase of this Ordinance should be declared invalid, all other provisions hereof shall not be affected by such invalidity and shall remain in full force and effect.

SECTION 4-EFFECTIVE DATE: This Ordinance shall become in full force and effect from and upon its passage.

Adopted this 12th day of Sept., 2023 at a regular meeting of the City of Greenville's City Council with a quorum present upon a vote of the Board as follows:

Blake Knox:	<u>aye</u>
Kyle Littlefield:	<u>aye</u>
Ivan Estevez:	<u>aye</u>
Lisa Stephens:	<u>absent</u>

George Barber
George Barber, Mayor

ATTEST: Jody Weiss
Jody Weiss, City Clerk

Prepared By:
PATRICK F. SCHAUFELBERGER

Reg. No. 06209949

THE SCHAUFELBERGER

LAW OFFICES, LTD.

107 South Fourth Street, Vandalia, IL 62471-2899
Telecopier: (618) 283-1413 - Telephone: (618) 283-1411

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STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE

CERTIFICATE

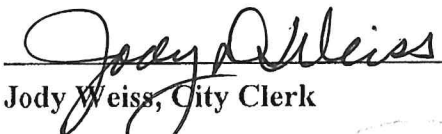
I, Jody Weiss, certify that I am the duly appointed and acting City Clerk of the City of Greenville, Bond County, Illinois.

I further certify that on Sept 12, 2023, the Corporate Authorities of such municipality passed and approved Ordinance No. 3309, entitled:

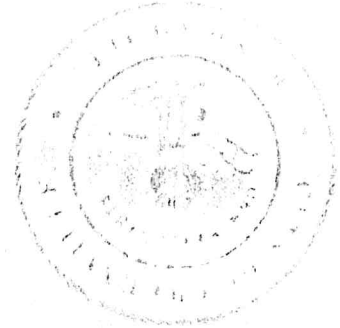
“AN ORDINANCE ADOPTING A REGULATORY SOLAR FRAMEWORK”

Dated at Greenville, Illinois, this 12th day of Sept, 2023.

{SEAL}



Jody Weiss, City Clerk



Prepared By:
PATRICK F. SCHAUFELBERGER
Reg. No. 06209949

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EXHIBIT A
CHAPTER 154. SOLAR ENERGY SYSTEMS

154.01 SELECTED DEFINITIONS REGARDING SOLAR ENERGY SYSTEMS:

GROUND MOUNT: A solar energy system that is directly installed into or onto the ground and is not attached or affixed to an existing structure.

NET METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PERSONAL SOLAR ENERGY SYSTEM (PSES): Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

SOLAR ENERGY: Radiant Energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEMS (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

SOLAR FARM ENERGY SYSTEM (SFES): A utility scale facility that converts sunlight into electricity for the primary purpose of selling wholesale or retail generated electricity for on-site and off-site use. A solar farm is the principal land use for the parcel on which it is located.

154.02 BUILDING PERMIT AND APPLICATION REQUIREMENTS AND FEES:

Solar Energy Systems (SES) will be required to have a City of Greenville Building Permit. Solar Energy Systems constructed before a Building Permit has been issued will be charged double the permit fee. A written plan and a plat/drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat /drawing must show the location of the system on the building or on the property, with all property lines and setbacks indicated.

Fees for processing the application for building permits shall be submitted to and collected by the City of Greenville as follows:

	<u>FEES BELOW</u>
0-10 kW	\$50
11-50 kW	\$75
51-100 kW	\$750
101-500 kW	\$2,000
501kW-1 MW	\$4,000
1 MW-2 MW	\$6,000
over 2 MW	\$6,000 plus \$200 each add'l 100kw or \$2,000 per each additional MW

A one-time application fee will be assessed at the time the application is filed.

154.03 PERSONAL SOLAR ENERGY SYSTEMS (PSES)

Personal Solar Energy Systems (PSES) shall be considered an accessory use to a principal structure or a granted special use in any zoning district. The PSES shall provide electricity for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collector shall be documented by a manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%). Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. PSES must comply with all local, state, or federal laws and it is subject to the following requirements.

HEIGHT RESTRICTIONS:

Ground or pole mounted solar energy systems when oriented at maximum tilt shall not exceed 12 ft.

SETBACK REQUIREMENTS

- a.) Ground mounted solar energy systems, when oriented at any and all positions, shall meet the accessory structure requirements for the zoning district in which the unit is located.
- b.) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at maximum design tilt.
- c.) No solar energy system shall be allowed to be placed in the front yard of any residential property.
- d.) Electric solar energy systems components must have an Underwriters Laboratory (UL) Listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%) and shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.

APPLICATION:

a.) Prior to construction of the Personal Solar Energy System all information required by the Zoning Administrator and the following must be submitted to obtain a building permit:

- 1.) Name, address, phone number of the applicant and property owner
- 2.) Site Plan showing property lines, all structures, setback lines, septic fields and field tile locations if applicable
- 3.) Location of all solar panels and associated equipment.
- 4.) Location of the electrical disconnect for the PSES
- 5.) Evidence the local electric utility has been informed of the applicant's intent to install a PSES
- 6.) Evidence that the site plan has been submitted to the local fire protection district or department.

154.04 SOLAR FARM ENERGY SYSTEMS (SFES):

Solar Farm Energy Systems (SFES) is a facility on a parcel of five (5) or more acres for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity. All Solar Farm Energy Systems (SFES) will require a Conditional Use Permit, which may be applied for in the Industrial Districts.

SETBACK AND HEIGHT RESTRICTIONS

- a.) The applicant, owner or operator shall submit to the local fire protection district a copy of the site plan.
- b.) A means of access for emergency services shall be provided and maintained.
- c.) The facility shall provide approval for access points from the road authority having jurisdiction.
- d.) All other applicable fire, life safety and/or emergency response laws and regulations apply
- e.) All wiring between solar panels and the solar farm facility substation shall be underground unless approved by the City of Greenville.
- f.) Names and phone numbers of the site operator and electric utility provider must be provided to the Zoning Department, Greenville Police Department and Fire Department. Any changes of contact shall be reported immediately

g.) Power and communication lines running between banks of solar panels and to electric substations or interconnections with building shall be buried underground unless water courses or other elements or natural landscape interfere.

h.) If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

i.) Noise levels measured at property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

j.) The SFES shall be designed and located to prevent glare toward any structure on nearby properties and roadways, including, but not limited to, highways and streets.

k.) SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO) District. All applicable county, state, and national construction and electric codes shall be followed.

l.) Any other requirements or conditions as determined necessary by the City of Greenville Zoning Board or Appeals.

OUTDOOR STORAGE

Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed.

UTILITY NOTIFICATION

A copy of the power purchase agreement and/or interconnection agreement must be submitted to the Zoning Department before obtaining a building permit.

APPLICATION

(a) SFES shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the county code or any special conditions required by the Zoning Board of Appeals or the City of Greenville

1. A written summary of the project including a general description of the project, including its approximate generating capacity.
2. Then names, addresses and phone numbers of the owner and operator
3. Site plan with existing conditions showing the following:
 - a. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of roads and any associated easements.
 - c. Location and size of any wells and septic field.
 - d. Existing buildings with their uses identified
 - e. If there is a floodplain on the property, elevations may be required.
 - f. Location of any field tiles.
4. Site Plan of Proposed Conditions:
 - a. Location and spacing of solar panels
 - b. Setback lines
 - c. Location of access roads and access points
 - d. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - e. Description of method connecting the array to a building or substation.
 - f. All SFES structures including, but not limited to fencing, gates, substation, interconnect substation that is to be the connection pint for the solar farm, and location and voltage of any overhead transmission lines.
 - g. Examples of facility signage
 - h. A plan for ongoing maintenance of the SFES

i. A decommissioning plan with a description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life or cessation of operations. Provisions for the removal of structures, debris, and associated equipment on the surface to a level of not less than five feet below the surface, and the sequence and timing in which the removal is expected to occur.

ZONING CERTIFICATE OF COMPLIANCE

Prior to construction, a Zoning Certificate (building permit) must be obtained from the City of Greenville. The applicant shall submit an update and finalized site plan with all items previously required in the application for a special use and any modifications required by the Zoning Board of Appeals, City of Greenville and Zoning Administrator. Additional items to be included are:

- (a.) The owner or operator of the SFES shall enter into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture prior to commencement of construction. A copy of the agreement must be submitted to the Zoning Department.
- (b.) The owner or operator shall initiate a consultation process, and pay all applicable fees to, the Illinois Department of Natural Resources. A copy of the consultation determination (Eco CAT) must be submitted to the Zoning Department.
- (c.) A copy of the lease agreement, interconnection agreement and power purchase agreement.
- (d.) All required studies, reports, certifications, insurance policies, declaration pages, approvals, and other documentation demonstrating compliance with the provisions of this Sections.
- (e.) Applicant shall submit to the City of Greenville Zoning Department an estimate of decommissioning cost certified by an independent professional engineer (not the applicant, owner, nor any employee, agent, or affiliate of the same). The City of Greenville may, at the Applicant's expense, hire its own qualified engineer to verify the accuracy of the estimate of decommissioning costs.
- (f.) A performance bond equal to or greater than the estimated amount of the decommissioning costs.

(g.) The owner or operator shall cooperate with the local fire department or district to develop an emergency response plan and shall cooperate with all local fire and rescue authorities to provide specialized training, if necessary (at the owner or operator's expense), to personnel who are to respond to emergencies on the site. The site and emergency plan shall be submitted to the local fire department or district whose jurisdiction is included in whole or in part within the SFES project area.

(h.) A storm water and groundwater management plan demonstrating best management practices, with erosion and sediment control provisions

INDEMNIFICATION AND LIABILITY

(a) The applicant, owner and/or operator of the solar farm energy system project shall defend, indemnify, and hold harmless the City of Greenville and its officials (elected and appointed), employees departments, agents and attorneys from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, cost, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.

(b) The applicant, owner, and/or operator of the solar farm energy system project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (\$2,000,000.00) per occurrence and four million dollars (\$4,000,000.00) in the aggregate. Evidence of liability coverage must be reported to the City of Greenville Zoning Department on an annual basis, and any loss coverage must be reported within 3 working days of loss. Failure to maintain coverage shall be considered a cessation of operations pursuant to section labeled in this ordinance, identified as Decommissioning Plan.

DECOMMISSIONING PLAN

(a) The owner or operator of the SES shall completely decommission within twelve (12) months for any reason stated in this section or if any of the following conditions ("decommissioning triggers") exists:

1. The SES ceases to generate electricity for a continuous period of twelve (12) consecutive months;
2. The land lease ends, expires or is terminated;
3. The SES is damaged and will not be repaired or replaced.

(b) The City of Greenville Zoning Administrator shall notify the applicant, owner, or operator to remove the system. This period may be extended by the Zoning Administrator if the owner or operator provides evidence within 45 days that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and has not been abandoned. Decommissioning shall include:

1. The removal of all equipment, cables, wires, conduits, structures, fencing and foundations to a depth of at least 48” below grade. All solid wastes and hazardous materials related to the construction, operation and maintenance of the SES shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2. The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.

3. Restoration of the land to a condition reasonably similar to its conditions prior to the solar garden or solar farm development. Including replacement of topsoil removed or eroded.

4. Re-Vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

(c) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigating and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction by natural or man-made causes, the owner and/or operator shall obtain and deliver to the City of Greenville (“City”) a performance bond or similar financial assurance, for removal of all components. (“Decommissioning Security”). Any such bond must be issued for a term of at least 7 years and must not be cancelable during that term. The plan shall state that in form and substance, reasonably satisfactory to the City securing the owner and/or operator obligation, the City shall have access to the project and to the funds to affect or complete decommissioning if the applicant, owner or operator fails to complete removal and decommissioning of the SFES strictly according to the terms of the decommissioning plan within 45 days of notice from the City Zoning Administrator or by such additional time granted by the City Zoning Administrator.

1. The Decommissioning Security shall be equal to 110% of the estimated cost of decommissioning. The Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator or other termination of the owner and/or operator of the SES existence or its legal obligations. Once it is in place, the owner and/or operator shall maintain the Decommissioning Security. And cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

2. The applicant shall provide the City of Greenville Zoning Administrator with a new estimate of the cost of decommissioning the SFES every 5 years, due on the anniversary of the Special Use being granted. Failure to provide a new estimate and/or acceptable financial plan estimate shall be considered a cessation of operations.

3. When any of the identified decommissioning triggers exist, if the owner and/or operator has not complied with its decommissioning and related obligations. The City shall be entitled to make a claim against the Decommissioning Security for its costs to decommission, net of any salvage value the City actually realizes.

4. The applicant and/or owners of SFES shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Zoning Administrator. SFES shall conform to

all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study.

5. Nothing herein shall prevent the City of Greenville from seeking such other legal or equitable remedies available to prevent or remedy any violation of this Section.