

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING 13-6 OF THE CLINTON CITY CODE  
TITLED “SOLAR REGULATIONS”**

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF CLINTON, DEWITT COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, WITNESSETH:

WHEREAS, the CITY OF CLINTON is a municipal corporation located in DeWitt County, Illinois; and

WHEREAS, the city code of the City of Clinton contemplates citizens utilizing solar panels on top of their respective residences; and

WHEREAS, the CITY OF CLINTON has recently been approached by companies requesting land to be annexed into the City of Clinton with the idea to install a solar array or a solar farm; and

WHEREAS, the City of Clinton believes that if solar arrays of this nature are to be installed within the City of Clinton then there should be reasonable regulations on said solar arrays/farms; and

WHEREAS, the City of Clinton will create Chapter 13-6 of the Clinton City Code titled “solar regulations”;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF CLINTON, as follows:

1. That Title 13 Chapter 6 titled of the Clinton City Code is hereby created. (See Exhibit A).
2. Effective Date. That this Ordinance is effective immediately upon its passage.

The vote on the adoption of this Ordinance was as follows:

Commissioner Edmunds	_____	Commissioner Wise	_____
Commissioner Ballenger	_____	Commissioner Buchanan	_____

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

Put on file this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF CLINTON,

BY: \_\_\_\_\_  
Tom Edmunds, Acting Mayor  
City of Clinton, DeWitt County, Illinois

ATTEST: \_\_\_\_\_(SEAL)  
City Clerk, City of Clinton,  
DeWitt County, Illinois

# **EXHIBIT A**

## **Chapter 13-6: Solar Regulations**

### **Chapter 13-6-1 Purpose and Intent**

Purpose: The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the City of Clinton 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 ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

### **Chapter 13-6-2 Definitions**

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS:** A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

**COLLECTIVE SOLAR:** Solar installations owned collectively through subdivision homeowner associations or other similar arrangements.

**COMMERCIAL/LARGE SCALE SOLAR FARM:** 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.

**COMMUNITY SOLAR GARDEN:** A community solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.

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

**PHOTOVOLTAIC SYSTEM:** A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

**QUALIFIED SOLAR INSTALLER:** A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

**ROOF MOUNT:** 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:** 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. The use of neighboring parcel air rights does not prevent normal use of adjacent properties and associated air rights by its owner(s).

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

**SOLAR ENERGY SYSTEM (SES):** The components and subsystems 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.

**SOLAR STORAGE BATTERY/UNIT:** A component of a solar energy device that is used to store solar generated electricity or heat for later use.

**SOLAR THERMAL SYSTEMS:** Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

### **Chapter 13-6-3 Permitted Ground Mount and Roof Mount SES**

Ground Mount SES shall be permitted in A-1, I-1, and I-2 zoning districts and as a special use in R-1-R-4 zoning districts where there is a principal structure and the array footprint is comprised of less than ½ acre. Square footage of over ½ acre will be treated as a Community Solar Garden and will require a Special Use Permit in accordance with this ordinance. Roof Mount SES shall be permitted in all zoning districts and may be located on a principal or an accessory structure. A building permit shall be required to construct a ground mount or roof mount SES. The following additional information shall be provided with the building permit application to demonstrate compliance with the following restrictions:

A. Height:

1. Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
2. Ground solar energy systems shall not exceed the maximum permitted height for an accessory structure when oriented at maximum tilt.
3. Ground mounted solar energy systems may not be placed in the front yard.

B. Setbacks:

1. Ground mounted solar energy systems shall meet the applicable setbacks for the zoning district in which the unit is located.
2. Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt (most footprint consuming).
3. In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the allowable footages as allowed in the International Fire Code (IFC) Section 605.11.3.1 to provide for proper fire access.

C. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties or property contained assets.

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

E. Safety:

1. Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to sloped or flat roof upon which the panels are mounted per IFC 605.11.3.1.
2. Plans bearing the seal of a state licensed structural engineer's approval shall be required for all roof mounted solar energy systems.
3. Any connection to the public utility grid shall be inspected by the appropriate public utility.
4. All solar energy systems shall be maintained and kept in good working order. If it is determined that a solar energy system and associated grounds are not being maintained, kept in good working order, or no longer being utilized to perform its intended use for 6 consecutive months, the property owner shall be given 30-day notice for removal or repair of the unit and all equipment. It shall be a violation of this ordinance if the solar energy system is not removed or repaired within thirty (30) days. Failure to do so will result in monetary fines as indicated in Section 4-1-5 of the Clinton Municipal Code.

- F. Approved Solar Components: Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
- G. Restrictions on Solar Energy Systems Limited: Consistent with 765 ILCS 165/1 et seq. no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision of incorporated City of Clinton shall prohibit or restrict homeowners from installing solar energy systems.

#### **Chapter 13-6-4 Building Integrated Systems**

Building Integrated Photovoltaic Systems shall be permitted in all Zoning Districts.

#### **Chapter 13-6-5 Community Solar Gardens**

Development of Community Solar Gardens is subject to the following requirements:

- A. Rooftop Gardens Permitted: Rooftop gardens are permitted in all zoning districts where buildings are permitted.
- B. Ground Mount Gardens: Ground mount community solar energy systems must be less than five (5) acres in total size, and are allowed in A-1, I-1, and I-2 zoning districts and as a special use in R-1-R-4 zoning districts. Ground-mount solar developments covering more than five (5) acres shall be considered a solar farm.
- C. Interconnection: An interconnection agreement must be completed and provided with the electric utility in whose service the territory the system is located. Off-grid, self-contained arrays are exempt.
- D. Dimensional Standards: All solar garden related structures in newly platted and existing platted subdivisions shall comply with the applicable setback, height, and coverage limitations for the district in which the system is located.
- E. Other Standards:
  - 1. Ground Mount Systems shall comply with all required standards for structures in the district in which the system is located.
  - 2. All solar gardens shall comply with procedures regarding special use permits.
  - 3. All solar gardens shall also comply with all other State and Local requirements.

#### **Chapter 13-6-6 Commercial/Large Scale Solar Farm**

Ground Mount solar energy systems that are the primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require are permitted as a Special Use Only in A-1, I-1, and I-2 zoning districts. The following information shall also be submitted as part of the application and/or the following restrictions shall apply:

- A. A site plan with existing conditions showing the following:
  - 1. Existing property lines and current use of the property intended for use.
  - 2. Existing public and private roads, showing widths of the road and any associated easements.
  - 3. Location and size of any active or abandoned utilities.
  - 4. Existing buildings, impervious surfaces, vegetation, material storage or nuisance items.
  - 5. Any delineated wetland boundaries and floodplain maps.
  - 6. The location of any subsurface drainage tiles.
- B. A Site Plan of proposed conditions showing the following:
  - 1. Location and spacing of the solar panels.
  - 2. Location of access roads.
  - 3. Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
  - 4. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
  - 5. Pre-Construction site photos shall be included to document site conditions prior to construction.
- C. Fencing and Weed/Grass Control:
  - 1. The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The Operating Company or Successor during the operation of the Solar Farm shall adhere to the weed/grass control plan.
  - 2. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the solar farm and fully adhere to requirements as set forth in the Clinton City Code for each applicable zoning district. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site. Fencing shall be kept free of all nuisance trash and rubbish in accordance with all City of Clinton ordinances.
  - 3. The applicant shall maintain the fence and adhere to the weed/grass control plan. If the Operating Company does not adhere to the proposed plan monetary fines as dictated in Section 4-1-5 of the City of Clinton Municipal code may be enforced and will be assessed until the Operating Company or Successor complies with the weed/grass control and fencing requirements.
- D. Manufacturer's Specifications: The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles and racks.
- E. Connection and Interconnection:
  - 1. A description of the method of connecting the SOLAR array to a building or substation.
  - 2. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.

3. Provide a copy of an executed interconnection agreement with the utility company having jurisdiction.
- F. Setbacks: Setbacks shall be met in accordance with the applicable zoning district in which the project occurs.
  - G. Fire Protection: A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
  - H. Endangered Species and Wetlands: Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR).
  - I. Road Use Agreements: All routes on City Roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall subject to the approval of the City of Clinton. All roads shall be repaired/replaced or otherwise improved to maintain their current condition throughout and after construction.
  - J. Decommissioning of the Solar Farm: The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of twelve (12) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by a cash, surety bond or irrevocable letter of credit before construction commences. Further a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:
    1. Removal of the following within six (6) months:
      1. All solar collectors and components, aboveground improvements and outside storage.
      2. Foundations, pads and underground electrical wires and reclaim site to a depth of four (4) feet below the surface of the ground.
      3. Hazardous material from the property and disposal in accordance with Federal and State law.
      4. Decommissioning with include full site restoration to an at grade maintainable surface.
    2. The decommissioning plan shall also recite an agreement between the applicant and the City of Clinton that:
      1. The financial resources for decommissioning shall be in the form of a Surety Bond, or shall be deposited in an escrow account with an escrow agent acceptable to the City of Clinton.



2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
3. The City of Clinton shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
4. The City of Clinton is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
5. The City of Clinton is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the City's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

### **Chapter 13-6-7 Compliance with Building Code**

All solar energy systems shall comply with the ordinances of the City of Clinton as well as all Federal and State requirements.

### **Chapter 13-6-8 Liability Insurance**

The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name the City of Clinton as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

### **Chapter 13-6-9 Administration and Enforcement**

The Building and Zoning Officer or other appointed City of Clinton representative 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 operator/owner 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 fines of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Every day the property remains in non-compliance is considered an additional offence.