

Town of Webb Lake Solar Energy Systems Licensing Ordinance

Be it ordained by the Town Board of the Town of Webb Lake as follows:

Section 1. Title

The title of this Ordinance is Solar Energy Systems Licensing.

Section 2. Purpose, Application and Authority

1. Purpose:

- (a) The Town of Webb Lake (hereinafter also referred to as the “Town” or “Township”) finds that while solar energy is a semi-renewable energy resource of electricity generation, and under some circumstances it may reduce the use of nonrenewable energy sources, the possible benefits must be balanced against potential negative impacts to local citizens, the local economy, and local ecosystems.
- (b) Section 66.0401, Wis. Stats., limits and defines the ability of local governments, such as the Town, to regulate solar energy systems, and it is the desire of the Town Board of the Town of Webb Lake to exercise such authority as it is permitted to exercise under Wisconsin law to regulate solar systems.
- (c) It is important that installation of Solar Energy Systems is accomplished in a safe, clean, and orderly manner that will minimize potential adverse biological, agricultural, silvicultural, visual, and other environmental impacts that adversely impact the public’s health and safety.
- (d) Pursuant to the authority granted by Wis. Stats. § 66.0401, this ordinance is enacted to provide for individualized, case-by-case Town review of proposed Solar Energy Systems and to ensure such systems are properly installed and are sited in a manner that will minimize any adverse impacts and will serve to preserve or protect the public health or safety, or which licenses facilities without significantly increasing the cost or efficiency of the proposed system or which allows an alternate system of comparable cost or efficiency.

2. Application: This Ordinance shall apply to all Solar Energy Systems not yet fully constructed and approved by the Town and all other permitting or licensing authorities prior to the approval of this Ordinance.
3. Authority: This Ordinance is adopted under the powers granted to the Town of Webb Lake under Wis. Stat. §§ 66.0401 and § 66.0403, and other authority under the statutes, and through its adoption of village powers under Wis. Stat. §§ 60.22(3) and 61.34. Any amendment, repeal or recreation of the statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal, or recreation.
4. Interpretation. The provisions of this Ordinance shall be liberally construed in favor of the Town and shall not be construed to limit or repeal any other power now possessed by or granted to the Town.

Section 3. General Procedures

Where applicable, zoning amendments, zoning/land use permits, and conditional use permits shall be applied for and reviewed under the procedures established following the Burnett County Code of Ordinances or any other local government's ordinances, and permits under any applicable Town Ordinance, including, but not limited to, Building Permits. Applications will also be reviewed for consistency with the Town of Webb Lake's Comprehensive Plan in order to be in compliance with Wis. Stat. 66.1001(3).

All elements of the Solar Energy Systems are to comply with all applicable State, County, and Town regulations.

Section 4. License Required

In addition to a building permit or other permits required from the Town or Burnett County, a separate Town-issued license is required for a Solar Energy System installation and operation, and no person may construct or operate a Solar Energy System within the Town of Webb Lake or expand and operate an existing or previously approved Solar Energy System within the Town of Webb Lake, without obtaining the appropriate license from the Town, as follows:

1. Roof-mounted Solar Energy Systems meeting the requirements of Section 7. (2) shall be administratively reviewed/licensed by the Building Inspector or other Town-authorized official or committee.
2. Ground-mounted and pole-mounted Solar Energy Systems meeting the requirements of Section 7. (3) covering between 100 and 1,000 square feet shall

be administratively reviewed/licensed by the Town. Systems over 1,000 square feet shall require Town Board review and approval.

- 3. Wall-mounted Solar Energy Systems meeting the requirements of Section 7.(4) greater than 100 square feet shall be administratively reviewed/licensed by the Building Inspector or other Town-authorized official or committee.
- 4. Large Solar Energy Systems as identified in Section 7.(7) exceeding 1,000 square feet of ground cover shall require Town Board review and approval.
- 5. The requirement for a license may not be avoided by successive installations, each of which are smaller than the thresholds established herein. If a successive installation is presented (two or more installations within a 3-year period), such applications will require Town review/approval.
- 6. All licenses shall be subject to the fee schedule approved by the Town Board.
- 7. Approval process flow chart:

BUILDING PERMIT REQUIRED FOR ALL INSTALLATIONS

	NO LICENSE	LICENSE	TOWN BOARD APPROVAL & LICENSE
Ground	<100 SF	≥100 <1000 SF	≥1000 SF
Roof	ANY	---	---
Wall	<100 SF	≥100 SF	---

Section 5. Exempt Installations

The following installations are exempt from a Solar Energy System License :

- 1. If solar panels and any accompanying equipment are mounted upon the roof of a principal structure or accessory structure and the accessory structure is erected primarily for purposes other than for the mounting of solar energy equipment.
- 2. Solar installations less than 100 square feet on a given parcel.
- 3. Installations oriented for public purposes, such as small panel installations for signage and lighting & related equipment within the right-of-way. A panel of 4 square feet or larger installed within the right-of-way requires a license and Town Board approval.

4. Installations for Municipality-owned public buildings or facilities, such as wastewater treatment plants, water treatment plants, water well houses, lift stations, municipal buildings, fire & emergency management facilities, and water towers.
5. A Solar Energy System with a capacity of 100 megawatts or more and which is required to obtain a Certificate of Public Convenience and Necessity from the Public Service Commission of Wisconsin and which is exempt from the Town's Ordinance under Wis. Stat. § 196.491(3)(i). If such Solar Energy System with a capacity of 100 megawatts or more is no longer exempted from the Town Ordinance through Wis. Stat. § 196.491(3)(i) or any other state or federal law or regulation, then such Solar Energy Systems shall be considered to be a Large Solar Energy System under this Ordinance, regardless of the definition which limits such systems to those less than 100 megawatts, and the license requirement and the Ordinance shall apply to those Solar Energy Systems.

Section 6. Application

An application for a license under this Ordinance shall be submitted to the Town Clerk, in accordance with the Town's current policy and procedures and shall contain the following information:

1. Description

A description of the Solar Energy System including size, method of installation, amount of power to be generated and whether the facility is for private, residential, or business use, or for commercial energy production. The description shall also include technical specifications and supporting calculations necessary to demonstrate the structural integrity of the installation including, but not limited to, the ability to withstand wind.

2. Site Plan

The site plan shall include the following information:

(a) Existing Conditions:

- (i) Property lines
- (ii) Buildings
- (iii) Proposed installation location and details

- (iv) Existing land use and features (forest, cropland, slopes exceeding 12%, wetlands, etc.)
- (v) For Large Solar Energy Systems, existing sound measurements, following the Wisconsin Public Service Commission's Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Electric Power Plants (Nov. 2008, or current version).

(b) Proposed Plan

- (i) Proposed location and spacing of solar collectors or arrays.
- (ii) Proposed location of access roads for Large Solar Energy Systems.
- (iii) For Large Solar Energy Systems, proposed planned location of underground or overhead electric lines connecting the system to the building, substation, or other electric load.
- (iv) For Large Solar Energy Systems, location of proposed new electrical equipment other than at the existing building or substation that is the connection point for the system.
- (v) For Large Solar Energy Systems, proposed erosion, sediment control measures, and stormwater management measures.
- (vi) Sketch or schematic elevation of the premises accurately depicting the proposed Solar Energy System and its relationship to any buildings or structures on adjacent lots.
- (vii) A description of the proposed method of connecting the system to a building or substation.
- (viii) Proposed maintenance plan for grounds surrounding the system.
- (ix) Proposed plan outlining the use, storage, and disposal of chemicals used in the cleaning of the collectors and/or reflectors.
- (x) Proposed plan for storage, operation, maintenance and possible disposal of any batteries or other metals serving the system.
- (xi) Scaled elevation drawings covering the proposed facilities on the property. For Large Solar Energy Systems, to-scale horizontal and vertical elevation drawings signed by a professional engineer or registered architect, showing

the location of the system on the property for a ground-mounted system, including property lines.

- (xii) A description and drawing showing the screening/landscaping plan being proposed.
- (xiii) Proposed safety and security plan.
- (xiv) For Large Solar Energy Systems, a health, safety, endangered species, and environmental sustainability plan is required.
- (xv) For Large Solar Energy Systems, a geotechnical report for the site from a qualified geotechnical engineer. (Township reserves the right to seek corroboration from a different geotechnical engineer of their choice for validation.)
- (xvi) For Large Solar Energy Systems, complete a proposed sound level study, following the Wisconsin Public Service Commission's Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Electric Power Plants (Nov. 2008, or current version).
- (xvii) For Large Solar Energy Systems, a decommissioning plan outlining the anticipated means and cost of removing the system at the end of its serviceable life or upon it becoming a discontinued use. The plan shall also identify the financial resources to be set aside to pay for the decommissioning and removal of the system.
- (xviii) For Large Solar Energy Systems, a technical description of solar panels and solar panel sites, including equipment specification sheets that document all photovoltaic panels, significant components, mounting system and inverters that are to be installed, and whether lead, cadmium, or the presence of other heavy metals or hazardous wastes, as those terms are defined under state or federal laws, regulations, and administrative codes, will be present in the Solar Energy System.
- (xix) For Large Solar Energy Systems, the proximity of the System to surface water(s), including but not limited to wetlands, navigable waterways, the depth to groundwater at the project site, direction of groundwater flow through and from the project site, and the location of wells within one thousand (1,000) feet of the project site.
- (xx) Timeline and process for constructing the Solar Energy System.

- (xxi) For Large Solar Energy Systems, information regarding impact of the Solar Energy System on local infrastructure.
- (xxii) Information regarding anticipated Glare attributable to the Solar Energy System.
- (xxiii) Information regarding anticipated effects of the Solar Energy System on airports and airspace.
- (xxiv) For Large Solar Energy Systems, a list of all state and federal permits, licenses, and approvals required to construct and operate the Solar Energy System.

(c) Miscellaneous

- (i) The name, address, and telephone number of the owner of the property upon which the system is to be installed. If the applicant is different from the property owner, then this information shall be provided for the applicant as well. Also, the name and address of the party responsible for maintaining the system.
- (ii) An explanation of the factors considered in siting the facility at its proposed location.
- (iii) Any other information requested and deemed needed by the Town Board to aid the Town in its review of the application for the proposed Solar Energy System regarding its construction, operation, or its decommissioning.

Section 7. Solar System Regulations

1. General Standards. The following standards shall be applicable to all Solar Energy Systems:
 - (a) Systems shall be designed and operated in a manner that protects public safety.
 - (b) Systems shall be compliant with any applicable local, state, and federal regulatory standards, including, but not limited to, the State of Wisconsin Uniform Building Code, as amended, and the National Electrical Code, as amended.
 - (c) At the discretion of the Building Inspector, or other Town-authorized official or committee, systems proposed for attachment to a building or structure shall include a structural certification prepared by a registered professional engineer licensed in the State of Wisconsin.

- (d) Systems that result in the creation of one (1) or more acres of land disturbance, must provide plans that comply with the Wis. Admin Code Chs. NR 216 and NR 151 regarding storm water and runoff management and the applicant must have received all applicable WDNR permits for storm water prior to the issuance of the Solar Energy System License from the Town.
- (e) Systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the Solar Energy System provided they comply with the prevailing sign regulations.
- (f) Tree removal shall be minimized and mitigated in accordance with proper site design.
- (g) Screening and/or sound reducing mechanisms are required for all Large Solar Energy Systems, and any installation where noise producing infrastructure is located outdoors.
- (h) For Large Solar Energy Systems, the applicant shall submit a decommissioning plan, per the standards of this Ordinance, with the license application.
- (i) Systems shall be designed to integrate into the architecture of the building or site, to the extent such provisions do not diminish solar production or increase energy costs.
- (j) Systems shall be designed and operated to prevent the misdirection of Glare onto adjacent or nearby property, public roads, or other areas open to the public.
- (k) Power inverters and any sound-producing equipment shall be at least 500 feet (but no more than half the distance of the greatest side-length of the array) from any real property line adjacent to the Parcel covered by the application. A Large Solar Energy System application submitted shall also include a plan for a sound reducing enclosure, or another sound barrier (such as a berm) to reduce the sound emanating onto an adjacent residential parcel, to a level no more than 35 dB with no pure tone noise (at boundary line), which plan shall be subject to the review and approval of the Town Board.
- (l) Two or more written complaints regarding noise from a Solar Energy System within a 12-month period, or failure to upkeep/maintain necessary screening for the same, may be deemed a nuisance or a violation of this ordinance.

2. Roof-mounted Solar Energy Systems. The following standards shall apply to roof mounted Solar Energy Systems:
 - (a) Roof-mounted Solar Energy Systems shall not exceed by more than four (4) feet, the existing maximum roofline at the point of installation.
 - (b) In addition to the structure setback, the collector surface, and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the structure on which the system is mounted or built.
 - (c) Exterior piping for roof-mounted solar hot water systems may extend beyond the perimeter of the structure on side and rear yard exposures.
 - (d) Roof-mounted solar systems, excluding building-integrated systems, shall not cover more than eighty percent (80%) of the surface upon which the collectors are mounted.
3. Ground-mounted and pole-mounted Solar Energy Systems. The following standards shall apply to ground and pole-mounted Solar Energy Systems:
 - (a) Ground and pole-mounted systems shall not exceed ten (10) feet in height measured from the top of the panel frame when oriented at maximum design tilt.
 - (b) Ground and pole-mounted systems shall not extend into the side-yard, rear, or road right-of-way setback when oriented at minimum design tilt.
 - (c) Ground and pole-mounted systems shall have natural ground cover under and between the collectors and surrounding the system's foundations or mounting device(s).
 - (d) The total collector surface area of pole or ground mount systems shall not exceed fifty percent (50%) of the building footprint of the principal structure for systems located in all residential and commercial zoning districts.
4. Wall-mounted Solar Energy Systems. The following standard shall apply to wall-mounted Solar Energy Systems:
 - (a) In residential zoning districts, wall-mounted Solar Energy Systems shall cover no more than twenty-five percent (25%) of any exterior wall facing a front yard.
5. Accessory-mounted Solar Energy Systems. The following standards shall apply to accessory Solar Energy Systems:

- (a) Accessory Solar Energy Systems must meet all setback requirements pertinent to accessory structures for the zoning district in which the structure is situated.
 - (b) Accessory Solar Energy Systems shall not be located nearer the front lot line than the principal building on the lot.
6. Photovoltaic Solar Energy Systems. The following standards shall apply to Photovoltaic Solar Energy Systems:
- (a) For Photovoltaic Solar Energy Systems, the electrical disconnect switch shall be clearly identified and unobstructed.
 - (b) No grid-tie Photovoltaic Solar Energy System shall be installed until documentation has been given to the Town that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Documentation may consist of an interconnection agreement or a written explanation from the utility provider or contractor outlining why an interconnection agreement is not necessary. Off-grid systems are exempt from this requirement.
 - (c) Photovoltaic Solar Energy System components must have an Underwriters Laboratory (UL) listing.
7. Large Solar Energy Systems.
- All applications for a Primary Use Energy System may only be licensed upon entering into a Memorandum of Agreement with the Town that addresses how the applicant will comply with the requirements of this Section. The following standards shall apply to Large Solar Energy Systems, to be reviewed and subject to approval by the Town Board, as set forth in this Ordinance.
- (a) All elements of the system shall meet or exceed all district regulations based on the applicable zoning district under the Burnett County Zoning Code or other zoning code, if so adopted and as amended.
 - (b) Systems that result in the creation of one (1) or more acres of land disturbance, must provide plans that comply with the Wis. Admin Code Chs. NR 216 and NR 151 regarding storm water and runoff management and the applicant must have received all applicable WDNR permits for storm water prior to the issuance of the Solar Energy System License from the Town.

- (c) The manufacturer's engineer or another qualified engineer shall certify that the soils/foundation and design of the Solar Energy System is within accepted professional standards licensed in the State of Wisconsin.
- (d) Power and communication lines running between banks of solar collectors and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (e) Vegetative screening of the system may be required as a part of the Site Plan Review and/or the conditions of approval and it shall be based on the proximity of the system to residential buildings and to abutting public rights-of-way. If screening is required, the vegetation shall be at the licensee's cost and consist of canopy and conifer trees at a minimum.
- (f) For Large Solar Energy Systems, existing sound measurements, following the Wisconsin Public Service Commission's Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Electric Power Plants (Nov. 2008, or current version).
- (g) The proposed plan outlining the use, storage, and disposal of chemicals used in the cleaning of the collectors and/or reflectors shall be provided.
- (h) The proposed plan for the storage, operation, maintenance, and possible disposal of any batteries serving the project shall be provided.
- (i) The proposed plan for safety and security shall be submitted.
- (j) The Spill Prevention Control, and Countermeasure plan to address spills or discharges of any oil and the procedures and plans to notify the WDNR, the Town, and remediate spills of any other hazardous substance.
- (k) A decommissioning plan shall be completed and shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon it becoming a discontinued use. The plan shall also identify the financial resources to be set aside to pay for the decommissioning and removal of the system.
- (l) Confirmation of the site's health, safety, retention or avoidance of endangered species and environmental sustainability.
- (m) The primary roads to be used by the applicant shall be determined by the Town as part of the license issuing process. Within a reasonable time after determining the primary roads, the Town and applicant shall document the condition of the primary

roads. Documentation shall consist of, among other things, taking a video inventory of the primary roads to establish existing conditions and rating the primary roads according to the PASER Road Inventory System. Except as otherwise noted below, the primary roads described above, which shall be used for all trucks, loaded and unloaded, entering or leaving the project shall be the only roads used by the applicant during the construction of the project. Once the primary roads are determined, the applicant and the Town shall discuss and mutually agree upon a Project specific road agreement. The terms of the road agreement shall include, but not be limited to, the extent and frequency of when applicant shall make repairs to the primary roads. Monthly, or at a lesser interval if so chosen by the Town, applicant and the Town or Town Engineer shall conduct an inspection of the primary roads and, if necessary, the applicant shall be required to pay for or make repairs and/or improvements satisfactory to the Town to restore the primary roads to the condition documented at the commencement of the Project or better. Upon the conclusion of the Project, a final inspection and review shall be conducted by the Town and applicant and final repairs and/or improvements made by applicant as required by this paragraph (m) shall be made prior to the release of applicant's financial assurance as required by section (n).

- (n) The applicant shall obtain and deposit with the Town of Webb Lake Clerk a financial assurance consisting of a Surety Bond, an Irrevocable Letter of Credit, cash, or other financial guarantee acceptable to the Town in the amount to be determined by the Town or Town Engineer to guarantee the performance of all of its obligations for the project, including maintenance and reconstruction of all primary roads identified for the installation of the Large Solar Energy System and decommissioning of the Large Solar Energy System. The financial assurance shall run in favor of and be directly and exclusively payable to the Town and shall be in a form acceptable to the Town and/or Town Attorney. The financial assurance shall guarantee the applicant's obligations for the project and that, in the event the parties are unable to agree on the maintenance or reconstruction of any primary road at any time, the bond will be available to the Town for that purpose. The financial assurance required by this section is separate and distinct from the financial assurance required for decommissioning as set forth in Section 8 of this Ordinance. Separate financial assurance shall be required under Section 8 for decommissioning.
- (o) Other than the fencing directly surrounding the project substation, Operations and Maintenance Building, and Battery Energy Storage System, the Project's perimeter fencing shall consist of "deer fencing" (wire mesh), which is ten-to-twelve-foot-tall woven wire partition with wooden posts. Where commercially reasonable, fences will be set 50 feet within/inside property lines or rights-of-way edges unless otherwise requested from the landowner and agreed upon with the adjacent landowner.

Installed fencing shall be adequately maintained at all times during the Project's operation. The depths of the fence posts shall be installed per prudent engineering practice based on the height of the fence and the type and slope of the terrain. Impairments to either the woven wire or wooden posts that are aesthetically unpleasing shall be remedied within two weeks of written notification. "Leaning" of the fence shall not be allowed to exceed plus or minus 10 degrees of perpendicular. In the event leaning or tilting of the fence does occur, it will be corrected back to perpendicular within three weeks of receiving written notice on the issue or the Town may fine the applicant up to three times the cost it would take to repair it.

For purposes of this Agreement, the term "commercially reasonable" shall mean done in good faith and corresponding to accepted commercial practices in the solar energy industry.

- (p) The applicant shall hire a regionally qualified consultant to create a ground cover and vegetation management plan for the construction and operation of the project to minimize erosion and runoff from leaving the Project's property boundaries. Consultation shall occur with the Town during the pre-construction meeting and post-construction meeting. Where commercially reasonable, the Project will utilize native plants and grasses across the project's developed area and incorporate pollinator habitat.
- (q) The Project shall be minimally lighted so as not to disturb neighboring properties. Necessary lighting to provide safety and security of facilities shall be approved by the Town Board. Applicant will provide the Town with a description of permanent Project lighting plans. Applicant shall contact every owner of residential property immediately adjacent to solar arrays and discuss in good faith a reasonable, strategically located visual buffer of plants that, upon mutual agreement, shall be installed at applicant's expense prior to the completion of construction of the Project to minimize Glare onto adjacent properties. Where applicant and the adjacent property owner are unable to agree on the type of visual buffer and the adjacent property owner makes a request in writing to applicant to provide a visual buffer, the applicant shall install a vegetative buffer on the Project site equal to the length of the non-participating residence and designed to achieve at least 50% opacity at ground level within 5 years. Proposals and plans for vegetative buffers will be finalized by the post-construction meeting. Applicant shall be required to replace any vegetative buffer that dies within two years of its original planting.
- (r) Applicant shall also consult and reach agreement with the Town Board or other governmental officials or bodies having jurisdiction over adjacent roads and highways to ensure vegetation or other acceptable buffering exists between the

Large Solar Energy System and the roads to minimize Glare on the roads or highways to the greatest extent possible.

- (s) Applicant agrees to install the solar arrays with a minimum setback of (i) sixty-five (65) feet from the edge of the right of way of public roads, (ii) two hundred (200) feet from the property boundary lines of non-participating landowners, unless a larger setback is necessary in order to preserve public health and safety based on a case-by-case analysis of a Solar Energy System application. A smaller setback is allowed pursuant to an executed good neighbor agreement or upon review and approval by the Town Board, in which case the setback shall be no less than twenty-five (25) feet, and (iii) one hundred (100) feet from any non-participating landowner dwelling unit. For adjoining participating landowners, the setback requirement may be established pursuant to mutual agreement between applicant and participating property owners.
- (t) The applicant acknowledges that the Town has and will incur certain administrative, legal and/or professional services costs for, among other things, processing, posting, or mailing of public hearing notifications, studying and/or drafting documents, and reviewing the integrity of the primary roads serving as access to the property. As a condition of obtaining a license, the applicant agrees to pay all of the necessary and reasonable administrative, engineering, legal, and other professional services costs incurred by the Town for, among other things, processing, posting, or mailing of public hearing notifications, studying and/or redrafting documents, and ensuring the integrity of any portion of any road serving as an access to a facility site. Applicant understands the legal and/or engineering or other consultants retained by the Town are acting exclusively on behalf of the Town and not the applicant. Applicant agrees to reimburse the Town for all expenses within 30 days of billing. In the event applicant defaults in the payment of such expenses, in addition to any other remedies which the Town may be entitled, the Town may take funds from the financial guaranty set forth in (n) above and the Town shall recover from applicant all of its costs in enforcing this Ordinance including reasonable attorney fees.
- (u) For Large Solar Energy Systems located within the approach zones of an airport, the Applicant must complete and provide the results of a Glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (“FAA”) Office of Airports, consistent with any applicable FAA policies or regulations regarding solar energy projects.
- (v) Large Solar Energy Systems must comply with site assessment or soil identification standards that are intended to identify agricultural soils. The Town may require mitigation for use of prime soils for solar array placement, including the following:

- a. Demonstrating co-location of agricultural uses (agrivoltaics) on the project site
 - b. The site shall be restored to agriculture at the end of the life of the Solar Energy System
- (w) For Large Solar Energy Systems, the Town may require mitigation for use of silvicultural (forestry) areas for solar array placement, including the following:
 - c. Minimization of removal of tree removal
 - d. The site shall be restored to a silvicultural use at the end of the life of the Solar Energy System.

8. Miscellaneous.

- (a) All Solar Energy Systems shall be installed following the Manufacturer's specifications and recommended installation methods for all major equipment, mounting systems, and foundation for poles or racks.
- (b) All property owners shall provide the Town with a signed copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
- (c) In connection with construction, operation maintenance of electric collection lines, communications cables and other equipment, Project facilities may cross road rights-of-way and/or drainage systems. Project Owner shall obtain all permits typically required of others, such as driveway permits and rights-of-way crossing permits. It is agreed that all road right-of-way crossings shall be by underground borings perpendicular to the right-of-way, plus or minus 30 degrees. All underground borings shall commence and terminate outside of the right-of-way.

Section 8. Decommissioning

The following provisions shall apply to decommissioning of a Large Solar Energy System:

- 1. Decommissioning of the system must occur within one (1) year from either the end of the system's serviceable life or from the time that the system becomes a discontinued use. A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and timely submitted to the Town outlining the steps and schedule for returning the system to service.
- 2. Decommissioning shall consist of the following:

- (a) The removal of the system's equipment and removal of the system's foundation to a depth of at least five (5) feet under the surface of the ground. An exemption from this requirement may be granted by the Town if it is determined that the removal of the foundation will significantly increase erosion and/or significantly disrupt vegetation on the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations, including, but not limited to, the Resource Conservation and Recovery Act.
 - (c) The stabilization of soils and/or re-vegetation of the site as necessary to minimize erosion and promote soil nutrient and soil carrying capacity.
3. The decommissioning shall occur in accordance with the decommissioning plan approved by the Town, or any plan amendment approved by the Town.
 4. The applicant shall provide the Town with written notice at least two (2) months prior to the physical commencement of the decommissioning process.
 5. Prior to the issuance of the Town license, all applicants shall obtain and deposit with the Town of Webb Lake Clerk a financial guarantee consisting of a Surety Bond, an Irrevocable Letter of Credit, cash, or other financial guaranty acceptable to the Town, in an amount to be determined by the Town or Town Engineer to guarantee the performance of all of its obligations concerning the decommissioning of the project. The amount of financial assurance shall equal as closely as possible the cost to the Town of hiring a contractor to complete decommissioning according to the approved decommissioning plan. The amount of financial assurance shall be reviewed periodically by the Town to assure it equals outstanding decommissioning costs. Any financial assurance filed with the Town shall be in an amount equal to the estimated cost to the regulatory authority for decommissioning all of the project.

The financial assurance shall run in favor of and be directly and exclusively payable to the Town and shall be in a form acceptable to the Town and/or Town Attorney. The financial assurance shall guarantee the applicant's obligations under this Agreement and that, in the event the Applicant's unable to complete decommissioning, the financial assurance will be available to the Town for that purpose. Financial assurance shall be released only upon successful completion of the decommissioning specified in the approved decommissioning plan.

Financial assurance shall be forfeited and payable immediately to the Town if any of the following occur: (a) the license is revoked or otherwise canceled; or (b) the owner or operator of the Solar Energy System ceases operation of the Solar Energy

System and fails to decommission the System in accordance with the approved decommissioning plan.

6. The applicant acknowledges that the Town has and will incur certain administrative, legal and/or professional services costs for, among other things, processing, drafting documents and reviewing the decommissioning of the project. The applicant agrees to pay all of the necessary and reasonable administrative, engineering and legal costs incurred by the Town for, among other things, processing, studying, redrafting documents, and to ensure the integrity of the decommissioning process. Applicant understands the legal and/or engineering or other consultants retained by the Town are acting exclusively on behalf of the Town and not the applicant. Applicant agrees to reimburse the Town for all administrative expenses within 30 days of billing. In the event applicant defaults in the payment of such expenses, in addition to any other remedies which the Town may be entitled, the Town may take funds for the financial guaranty as set forth in (5) above, the Town shall recover from applicant all of its costs in enforcing this Ordinance including reasonable attorney fees.

Section 9. Review

Preliminary review, preliminary hearing, and proposed decision:

1. The Town Board shall review all required applications under this Ordinance within ninety (90) days of a complete submittal. If the Town Board determines more time or information is necessary to evaluate the application, it may extend its review period by up to additional ninety (90) days.
3. At any time during the application process, the Town Board may request that the applicant submit additional information if the Town Board determines that the application is incomplete, or if the Town Board determines that additional information is needed to determine whether the requested approval will meet the requirements of this Ordinance.
4. Upon completion of its review of the application and a review of any report from retained experts, the Town Board shall issue a proposed decision on whether to grant a solar license, with or without terms or conditions, or to deny the application or request.
5. Decision by the Town Board.
 - (a) Notice and Hearing: Proposed Decision. Upon the issuance of a proposed decision under sub. (4), the Town Clerk shall place the preliminary decision of the Town Board on the Town's website or typical posting places and make it available for

public inspection at the Town Hall. The Town Board shall set a date for a public hearing on the preliminary decision and, for an application for a solar license, give Class II public notice and post the notice in the designated posting places at least 15 days prior to the date scheduled for the hearing, and mail the notice to all landowners within five hundred (500) feet of the proposed solar system's boundaries. At the public hearing, the Town Board shall take public comment on the proposed decision.

- (b) **Town Board Final Decision:** Following the receipt of public comments at the public hearing and any submitted written comments, the Town Board may make a final decision whether to grant a solar license or set a date for a subsequent Town Board meeting during which the Town Board will make a final decision.
- (c) **Basis of Proposed and Final Decisions:** The Town Board shall base its proposed and final decisions on a review of the application, any available retained experts' reports, public comments and information provided at the public hearing, and other relevant information at the discretion of the Town Board.
- (d) In the case of an application for a solar license, the Town Board shall grant the license if it determines that the operation of the System will be consistent with the standards and the purpose of this Ordinance.
- (e) After its review of the application for the proposed System, the Town Board may waive or otherwise lessen the standards of the Ordinance for an individual proposed System if, in the Town Board's review and discretion, the public's health and safety are still protected or for such other reasons as are allowed under Wisconsin law.
- (f) Any person aggrieved by the action taken by the Board, may appeal as provided by the Wisconsin statutes.

Section 10. Fees

1. An application under this Ordinance shall be accompanied by a fee and, if applicable, an escrow payment in accordance with the Town's fee schedule and escrow procedures. No action may be taken on the application until such fee is paid and the escrow is maintained current with a positive balance.
2. If the application is for a Large Solar Energy System or a Primary Use Solar Energy System, the application shall be accompanied by an escrow fee, as provided under the Town's Fee Schedule, and a Reimbursable Services Agreement, signed by the applicant, and the property owner if different from the applicant, to reimburse the Town for all actual costs incurred reviewing the application, including, but not limited to, consultants' fees for attorneys, engineers, planners or other relevant

specialists or consultants. Final approval may not be effective until all such costs are reimbursed according to the agreement. If such costs are not paid within sixty (60) days of the final invoice, such costs may be placed on the tax roll for the subject property as a special charge pursuant to Wis. Stats. § 66.0627. Placement on the tax roll, however, shall not constitute payment for purposes of license issuance.

Section 11. Definitions

For the purpose of this Ordinance, the following terms shall have the meaning given to them in this section. To the extent a term is used in this Ordinance is not defined in this section, the term shall have the meaning given in the Town of Webb Lake Code of Ordinances.

1. Awning – A sheet of material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, patio, or deck.
2. Decibel – A unit of measure of sound pressure.
3. dB(A), A-Weighted Sound Level – A measure of over-all sound pressure level in decibels, designed to reflect the response of the human ear.
4. Generator Nameplate Capacity – The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.
5. Glare – The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.
6. Maximum Design Tilt (Solar Energy System) – Maximum tilt, or angle, is vertical, or ninety (90) degrees for a Solar Energy System designed to track daily or seasonal sun position or capable of manual adjustment on a fixed rack.
7. Minimum Design Tilt (Solar Energy System) – Minimum tilt, or angle, is horizontal, or zero (0) degrees for a Solar Energy System designed to track daily or seasonal sun position or capable of manual adjustment on a fixed rack.
8. Nameplate Capacity – The Total maximum rated output of a Solar Energy System.
9. Panel – A solar collector of approximately 20 nominal square feet or 3-4 feet in width by 4-6 feet in height.

10. Power Line – An overhead or underground conductor and associated facilities used for the transmission or distribution of electricity.
11. Power Purchase Agreement – A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.
12. Pure Tone – A sound composed of a single frequency.
13. Qualified Independent Acoustical Consultant – A person with Full Membership in the Institute of Noise Control Engineers (INCE), or other demonstrated acoustical engineering certification. The Independent Qualified Acoustical Consultant can have no financial or other connection to the applicant.
14. Real Property Line – The imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
15. Receptor – Structures intended for human habitation, whether inhabited or not, including, but not limited to, churches, schools, hospitals, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including, but not limited to, golf courses and campgrounds.
16. Renewable Energy – Energy from sources that are not easily depleted such as moving water (hydro, tidal and wave power), biomass, geothermal energy, solar energy, wind energy, and energy from solid waste treatment plants.
17. Roof Pitch – the final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths, such a 3/12, 9/12, or 12/12.
18. 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.
19. Solar Daylighting – A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
20. Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

21. Solar Energy Device – A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Said systems may also have the capacity to store energy for future utilization. Passive Solar Energy Systems shall clearly be designed as a solar energy device, such as a Trombe Wall, and not merely part of a normal structure, such as a window.
22. Solar Energy System (SES) – A set of devices that the primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar energy. This definition also includes structural design features, the purpose of which is to provide daylight for interior lighting.
23. Solar Energy System, Accessory Use – A Solar Energy System that is secondary to the primary use of the parcel on which it is located, and which is directly connected to or designed to serve the energy needs of the primary use. Excess power may be sold to a power company.
24. Solar Energy System, Active – A Solar Energy System whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
25. Solar Energy System, Building Integrated – An active Solar Energy System that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Such systems include, but are not limited to, Solar Energy Systems that function as roofing materials, windows, skylights, and awnings.
26. Solar Energy System, Grid-intertie – A photovoltaic Solar Energy System that is connected to an electric circuit served by an electric utility company.
27. Solar Energy System, Ground-mounted – A solar collector, or collectors, located on the surface of the ground. The collector or collectors may or may not be physically affixed or attached to the ground. Ground-mounted systems include pole-mounted systems.
28. Solar Energy System, Large (Large scale) – A Solar Energy System with a size greater than 1,000 square feet inclusive of panels and supporting equipment that has less than 100 megawatts of capacity.

29. Solar Energy System, Off-grid – A photovoltaic Solar Energy system in which the circuits energized by the Solar Energy System are not electrically connected in any way to electric circuits that are served by an electric utility company.
30. Solar Energy System, Passive – A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the heat via a heat exchanger.
31. Solar Energy System, Photovoltaic – An active Solar Energy System that converts solar energy directly into electricity.
32. Solar Energy System, Primary Use – A Large Scale Solar Energy System which generates power for sale to a power company, or other off-premise consumer.
33. Solar Energy System, Reflecting – A Solar Energy System that employs one or more devices designed to reflect solar radiation onto a solar collector. This definition includes systems of mirrors that track and focus sunlight onto collectors located at a focal point. The collectors may be thermal or photovoltaic.
34. Solar Energy System, Roof-mounted – A solar collector, or collectors, located on the roof of a building or structure. The collector or collectors may or may not be physically affixed or attached to the roof.
35. Solar Energy System, Small – A Solar Energy System with a size of less than 1,000 square feet of panels.
36. Solar Heat Exchanger – A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
37. Solar Hot Air System – Also referred to as solar air heat, or solar furnace. An active Solar Energy System that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically means vertically mounted on a south-facing wall.
38. Solar Hot Water System – Also referred to as solar thermal. A system that includes a solar collector and heat exchanger that heats or preheats water for building heating systems or other hot water needs, including domestic hot water and hot water for commercial or industrial purposes.
39. Solar Mounting Devices – Devices that allow the mounting of a solar collector onto a roof surface, wall, or the ground.

- 40. Substation – Any electrical facility containing power conversion equipment designed for interconnection with power lines.
- 41. Transmission line – See Power Line.
- 42. Total Name Plate Capacity – The total of the maximum rated output of the electrical power production equipment for a combined solar project.

Section 12. Inspection, Penalties and Enforcement

1. Enforcement:

- (a) Enforcement of this Ordinance shall be by means of revoking the license for multiple violations of this Ordinance following written notice from the Town and a failure of the applicant to cure the violations, impositions of forfeitures, and/or injunctive action. Forfeitures shall not be less than \$250.00, nor more than \$5,000.00 for each day of non-compliance, together with the costs of prosecution. If such forfeitures are not paid within sixty (60) days of the notice, such costs may be placed on the tax roll for the subject property as a special charge pursuant to Wis. Stats. § 66.0627. Placement on the tax roll, however, shall not constitute payment.
- (b) Enforcement may also be in the form of injunctive relief. If injunctive relief is sought and granted, the defaulting party shall pay all of the Town’s costs and expenses, including reasonable attorney’s fees, incurred in enforcing the provisions of this Ordinance, whether incurred prior to or after the commencement of any lawsuit. Unpaid amounts shall bear interest at the rate of twelve percent (12%) per annum if not paid within thirty (30) days of billing.
- (c) Enforcement may also occur through any other means authorized by law, including, but not limited to, a public nuisance action.
- (d) A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town’s right to take action on any present or future violation(s).

2. Inspection:

The Town Board, a retained expert, or another authorized representative of the Town, may make inspections or undertake other investigations to determine the condition of a System in the Town to safeguard the health and safety of the public and to determine compliance with this Ordinance, upon showing proper identification and providing reasonable notice.

3. Violations.

The following are violations under this Ordinance:

- (a) Engaging in construction, installation, or operation of a System without a solar license granted by the Town Board.
- (b) Failure to comply with the applicable minimum standards and other terms of this Ordinance and established industry standards, unless otherwise waived or lessened by the Town Board.
- (c) Making an incorrect or false statement, including in the information and documentation submitted during the licensing process or during an inspection by the Town or its duly appointed representative, or a representative of another regulatory agency.
- (d) Failure to comply with any terms or conditions of approval or license, or any agreements entered into as a term or condition of approving a license.
- (e) Failure to take appropriate action in response to a notice of violation or citation, or other order issued by the Town.

4. Remedies.

The Town Board may take any appropriate action or proceeding against any person in violation of this Ordinance, including the following:

- (a) Issue a stop work order.
- (b) Issue a notice of violation and order that specifies the action to be taken to remedy a situation.
- (c) Issue a citation.
- (d) Refer the matter to legal counsel for consideration and commencement of legal action, including, but not limited to, the assessment of forfeitures under sub (6), injunctive relief, and a public nuisance action.
- (e) Suspend or revoke the solar license under sub. (3) in the event there are repeated exceedances of the standards, terms, or conditions incorporated into a solar license or developer agreement.

Section 13. Severability, Abrogation and Lesser Restrictions

1. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or application, and to this end, the provisions of this Section are severable.
2. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits adopted or issued pursuant to law. If any specific provision of this Ordinance is found to be a greater restriction than a specific restriction created by Wis. Stat. § 66.0401 and defined under Wis. Stat. § 13.49(2)(h)1.g., then the lesser specific restriction of Wis. Stat. § 66.0401 shall apply.

Section 14. License Transfer or Assignment

The license issued under this Ordinance shall not be transferred or otherwise assigned to any other person or entity unless approved in writing by the Town Board. Such assignee or transferee of a license shall agree to abide by all terms and conditions of the license and shall supply all required financial assurance prior to the transfer or assignment of the license.

Section 15. Effective Date

This Ordinance shall be effective upon publication and posting as provided by law.

Dated this ____ day of _____, 2023

THE TOWN BOARD OF THE TOWN OF WEBB LAKE, BURNETT COUNTY, WISCONSIN

By:

Steve Austin, Chairman

John Kielkucki, Supervisor

Greg Main, Supervisor

Attest:

Lisa Webster, Clerk