

TOWNSHIP OF CAMPBELL
COUNTY OF IONIA, MICHIGAN

At a regular meeting of the Township Board of Township of Campbell, County of Ionia, State of Michigan, held at the Campbell Township Hall, 331 S. Main Street, Clarksville, Michigan on the 12th day of January, 2022, at 7 p.m. Local Time.

PRESENT: Members: Pepper, Jackson, Thompson, Ludema, Willison

ABSENT: Members: NONE

The following ordinance was offered by Member Pepper and supported by Member Willison:

ORDINANCE NO. 2023-01

**AN ORDINANCE TO REGULATE AND TO PROVIDE FOR
THE LICENSING OF LARGE SOLAR ENERGY SYSTEMS
AND TO ADOPT PENALTIES FOR VIOLATIONS
THEREOF**

THE TOWNSHIP OF CAMPBELL ORDAINS:

Section 1. **Title.** This Ordinance shall be known and may be cited as the Campbell Township Large Solar Energy Systems Ordinance.

Section 2. **Purpose.** The purpose of this ordinance is to:

- (a) Promote and protect the health, safety and general welfare of the residents and property owners in the Township;
- (b) Provide for the annual licensing of large solar energy systems within the Township;
- (c) Require minimum standards applicable to the maintenance, operation and appearance of large solar energy systems in order to protect property values and the health, safety and welfare of residents of the Township; and
- (d) Protect the Township's natural resources and environment.

Section 3. **Scope.**

(a) *Applicability.* The license required by this ordinance shall be obtained prior to the construction, installation, operation, or modification of any large solar energy system as defined in this ordinance. The licensing, maintenance and operation requirements for large solar energy systems imposed by this ordinance shall apply to large solar energy systems existing on the effective date of this ordinance and all large solar energy systems which are sought to be established thereafter.

(b) *Exceptions.* The license, maintenance and operation requirements imposed by this ordinance shall not apply to small-scale solar energy systems as defined in this ordinance, including ground or building mounted systems which are an accessory use to residential properties.

Section 4. Definitions. The following words and phrases used in this Ordinance shall have the meanings stated respectively in this Section:

(a) *“Dual Use”* means a solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

(1) Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

(2) Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g. bird habitat) or providing specific ecosystem services (e.g. carbon sequestration, soil health).

(3) Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

(4) Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

(b) *“License”* means a large solar energy system license as provided for in this ordinance.

(c) *“Maximum Tilt”* means the maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

(d) *“Minimum Tilt”* means the minimal angle of a solar array (i.e. most horizontal position) for capturing solar radiation as compared to the horizon line.

(e) *“Person”* means any individual, association, organization, corporation, partnership, firm (either incorporated or unincorporated), or business entity of any type including but not limited to limited liability companies.

(f) *“Photovoltaic (PV) System”* means a semiconductor material hat generates electricity from sunlight.

(g) “*Solar Array*” means a photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

(h) “*Solar Energy*” means radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

(i) “*Solar Energy System (SES)*” means a photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substations or other transmission facilities between the SES and the point of interconnection to the electric grid.

(j) “*Large Solar Energy System*” means a solar energy system that meets one or more of the following:

(1) It is primarily used for generating electricity for sale and distribution to an authorized public utility for use in the electrical grid;

(2) The total surface area of all solar arrays exceeds ten thousand (10,000) square feet; and/or

(3) It is a principal use or principal structure on a parcel.

(k) “*Small-Scale Solar Energy System*” means a solar energy system primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems, flush-mounted solar panels, ground-mounted solar energy collectors, or building-mounted solar energy collectors.

(l) “*Solar Thermal System*” means a system of equipment that converts sunlight into heat.

Section 5. Licensing. A person shall not maintain or operate a Large Solar Energy System in the Township without first applying for and obtaining a license therefor from the Township Board.

Section 6. Application.

(a) *Required Information.* The application for a license shall be in the form prescribed by the Township Board and signed by the applicant. In addition to other information as may be required by the Township Board, the application shall include all of the following:

(1) Name, address, date of birth and social security number of the applicant and each owner, partner, director, officer and manager of the business entity applying for the license or that will be engaged in the operation or maintenance of the large solar energy system.

(2) Name under which business is to be conducted, and if the business is a partnership, limited liability company or corporation, the state of registration or incorporation.

(3) Location of each place of business in the Township.

(4) A statement of the previous history, record and associations of the applicant and of each owner, partner, director, officer and manager, which statement shall be sufficient to establish to the satisfaction of the Township Board the business reputation and character of the applicant with respect to the operation and maintenance of solar energy systems or similar facilities.

(5) A statement showing whether the applicant or any owner, partner, director, officer or manager has previously applied for a license, the result of the application and whether the license was revoked or suspended.

(6) Certification that neither the applicant nor another person named on the application is acting for, in the place of or on behalf of any other person or persons in seeking the license.

(7) A site plan of the large solar energy system at a scale of no less than 1":100' showing the following minimum information:

(a) The location of the proposed or existing large solar energy system in the relationship to streets, watercourses and land uses within 1/4 mile of the proposed or existing large solar energy system.

(b) Exterior dimensions of the parcel or tract of land under consideration.

(c) The location of all existing or proposed solar arrays, including setbacks, the width of arrays and distance between arrays plus total height and height to the lowest edge above grade, ancillary structures and electric equipment, utility connections, and dwellings on the property and within 1/4 mile of the property lines, buried or above ground wiring, temporary and permanent access drives, fencing detail, screening/landscape detail, berm detail and signs.

(d) Plans for land clearing and/or grading required for the installation and operation of the system and plans for ground cover establishment and management.

(e) A sound modeling study including sound isolines extending from the sound sources to the property lines of adjoining non-participating lots.

(f) Security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the large solar energy system.

(g) A Decommissioning Plan including: 1) a description of which above-grade and below-grade improvements will be removed, retained, or restored for viable reuse of the property, 2) the projected de-commissioning costs for SES removal (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands, and 3) the method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit) including an escalator tied to the CPI.

(h) A completed copy of the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

(i) Written permission from the property owner authorizing the large solar energy system.

(j) All additional plans and requirements set forth in this ordinance and all such additional studies as may be required by the Township Board, including, but not limited to, a visual impact study, an environmental analysis, a stormwater study, and/or a glare study.

(b) *Application/License Fee.* Completed applications shall be submitted to the Township Clerk, accompanied by an annual license fee of One Hundred Dollars (\$100.00), for consideration by the Township Board.

(c) *Escrow.* In addition to the annual license fee required by subsection (b), an application for a large solar energy system license shall be accompanied by an escrow, established by resolution of the Township Board from time to time, for the purpose of defraying the Township's costs incurred in reviewing an application for a license under this ordinance. Any unused portion of the escrow shall be refunded to the applicant after Township Board review of the application is complete.

(d) *Application for Renewal of License.* An application for the renewal of an existing license shall be submitted to the Township Clerk no less than 60 days prior to the expiration date of the license. A renewal application shall include the same information as prescribed by this section for an application seeking a new license; shall include the annual license fee of One Hundred Dollars (\$100.00); and shall include an escrow payment established pursuant to subsection (c).

Section 7. Separate Licenses. A person shall make a separate application for a license for each location in the Township where the person proposes to maintain or operate a large solar energy system.

Section 8. Expiration of Licenses. Each license granted hereunder shall expire one (1) year from the date of issuance.

Section 9. Approval/Operational Standards. All proposed and existing large solar energy systems shall be continuously maintained and operated in compliance with the following standards:

(a) *Compliance with State Building Code and the National Electric Safety Code.* Construction of a large solar energy system shall comply with the National Electric Safety Code and the current State of Michigan building code. In the event of a conflict between the state building code and National Electric Safety Code (NESC), the NESC shall prevail. The design and construction of the large SES shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.

(b) *Height.* Large solar energy systems shall not exceed fifteen (15) feet in height, measured from the natural grade below the unit to the highest point at maximum tilt. The Township may permit a height not to exceed thirty-five (35) feet upon a showing that the additional height is necessary to proper functionality or allows for agricultural uses below it and will not have a substantial adverse effect on adjacent or nearby lands. Substation, building and electrical transmission equipment shall not exceed thirty-five (35) feet.

(c) *Setbacks.* Solar energy arrays and ancillary solar equipment affiliated with a large SES shall be located at least one hundred fifty (150) feet from the lot line(s) of properties not leased or used for large SES and from all rights of way. In addition, solar energy arrays and ancillary solar equipment affiliated with a large SES shall be located at least three-hundred (300) feet from all existing residential dwellings, as measured from the foundation of the dwelling to the nearest part of any collector or equipment. Screening methods may be permitted within the setbacks.

(d) *Lot Size.* No license shall be approved unless the applicant has at least ten (10) acres of land available for operation of the large SES.

(e) *Certified Solar Array Components.* Components of all solar arrays shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.

(f) *Fencing.* A large SES shall be secured with perimeter fencing to restrict unauthorized access. The applicant will submit a fencing style type included in the site plan for approval by the Township. Electric fencing is not permitted. The applicant shall utilize existing topography and natural vegetation to the greatest extent possible to protect views from existing adjacent residential structures.

(g) *Screening.* The Township Board may require that a large SES be screened from residential properties or public rights-of-way. Landscaping and screening plans shall be submitted with the applicant's site plan and may be waived or modified by the Township Board.

(h) *Ground Cover.* A large SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as

part of the site plan. Vegetation establishment must include invasive plant species and noxious weed controls and, unless bound by a Farmland Development Rights (PA 116) Agreement, must meet one or more of the four types of Dual Use defined in this ordinance being: (1) Pollinator Habitat, (2) Conservation Cover, (3) Forage, and/or (4) Agrivoltaics.

(i) *Glare.* A large solar energy system shall meet all of the following glare and glint standards as demonstrated by the Solar Glare Hazard Analysis Tool or other approved tool or program:

(1) No more than a “low potential for after image” ocular effects from glint or glare on any residential structure caused by the large SES.

(2) No potential for after image ocular effects from glint or glare on any existing or planned airport traffic control tower.

(3) No potential for glare or glint or “low potential for after-image” ocular effects along the final approach path for any existing landing threshold or future landing thresholds as shown on the current Federal Aviation Authority-approved Airport Layout Plan for any airport within five (5) miles of the large SES. The final approach path is defined as two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree flightpath.

(4) Ocular impacts shall be analyzed over the entire calendar year in five (5) minute intervals from when the sun rises above the horizon until the sun sets below the horizon.

(j) *Access Drives.* New access drives within the SES site shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.

(k) *Wiring and Transmission.* All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

(l) *Lighting.* All lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

(m) *Noise.* No component of any large SES shall emit noise exceeding forty-five (45) decibels as measured at the exterior property boundary or the existing public road right of way line.

(n) *Maintenance and Repair.* Each Large Solar Energy System must be kept and maintained in good repair and condition at all times and SES sites shall be kept clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

(o) *Other Requirements.* Each large solar energy system shall also comply with all applicable federal, state and county requirements, in addition to other applicable township ordinances.

Section 10. Abandonment and Decommissioning. Following the operational life of the project, the applicant or then current owner or operator shall perform decommissioning and removal of the large solar energy system and all its components. Decommissioning shall include removal of all structures, concrete, piping, facilities, and other project-related materials above grade and any structures up to three (3) feet below-grade, and all such materials shall be removed offsite for disposal. Any solar array or combination of photovoltaic devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan. The applicant or then current owner or operator shall provide written notice to the Township Clerk after the first thirty (30) days of continuous non-operation. The ground must be restored to a topography and soil condition consistent with or better than the surrounding properties as approved by the Township Board within three hundred sixty-five (365) days of abandonment or decommissioning.

Section 11. Inspection.

(a) The Township Supervisor and his or her designee shall be permitted to inspect a premises under consideration for licensing or license renewal for compliance with the provisions of this ordinance. After any such inspection, the Township Supervisor and his or her designee shall prepare a written report describing the extent of compliance or noncompliance of a premises with the provisions of this section. Copies of the report shall be forwarded to the Township Board for consideration. A premises not complying with the provisions of this section shall not be licensed until such compliance is accomplished to the satisfaction of the Township Board, consistent with the terms of this ordinance.

(b) At all other times, a licensee shall permit the Township Supervisor and/or his or her designee to inspect a licensed premises to determine compliance with the provisions of this ordinance, upon reasonable prior notice.

Section 12. Township Board Review.

(a) *Procedure.* Upon receipt of any application for a new large SES license or an application for the renewal of an existing large SES license, the Township Board shall review the application at its next regular meeting, or if the application is not received at least 21 days prior to the next regular meeting, then at the Township Board's second regular meeting held thereafter. The Board may, but shall not be required to, hold a public hearing on any such application. If a public hearing is held, the Township's Board shall publish notice of the hearing once in a newspaper of general circulation in the Township, at least seven days prior to the date of the hearing.

(b) *Standards.* In determining whether to grant the application, the Township Board may consider the following general criteria, in addition to the specific criteria set forth in this ordinance:

(i) Whether the location, use and nature of the operation will be in conflict with the prevailing land uses in the area.

(ii) Whether the operation will result in serious adverse effects upon adjacent or nearby property by reason of traffic, noise, glare, vibration, dust, fumes, smoke, odor, fire hazard, appearance or any other serious adverse effects.

(iii) Whether the operation will discourage or hinder the appropriate development and use of adjacent or nearby properties.

(iv) Whether the operation will create a traffic problem or hazard.

(v) Any other factors relevant to the health, safety and welfare of the Township and adjoining and nearby property owners.

Section 13. Issuance of License.

(a) Upon determination of the Township Board to grant a license, and receipt by the Township Treasurer of the necessary license fee and Escrow, the Township Clerk shall issue a large solar energy system license to the applicant. All such licenses shall be recorded by the Township Clerk.

(b) When approving a license, the Township Board may impose any such terms and conditions in the license which the Board determines are necessary to assure compliance with a specific or general standard set forth in this ordinance, to assure that the purpose and intent of this ordinance is observed, to otherwise protect the health, safety and welfare of Township residents, or to protect natural resources.

Section 14. License Suspension or Revocation.

(a) *Bases for Suspension or Revocation.* The Township Board may in its discretion, suspend or revoke a license issued under this ordinance, or refuse to issue a license under this ordinance, if the Township Board finds that one or more of the following apply:

(i) The applicant or licensee has made a false statement of a material fact in its license application.

(ii) The applicant or licensee has not complied with this ordinance or any term or condition of a prior or existing license.

(iii) The applicant or licensee has not complied with any applicable federal or state law with respect to operating a SES.

(iv) The applicant has refused an inspection.

(v) The applicant or licensee has had another license for a SES denied, suspended or revoked.

(vi) The applicant or licensee has maintained, operated or used the large SES in such a manner that noise, glare, vibration, smoke, fumes, odors, fire hazard, litter or debris or other obnoxious effect has damaged, injured or endangered the public health, safety or general welfare of the Township, interfered with or rendered dangerous any street or highway, or otherwise created a public nuisance.

(b) *Notice/Hearing.* Before taking final action to suspend, revoke or limit a license already issued, the Township Board shall provide written notice to the licensee of the proposed suspension, revocation or limitation. The notice shall inform the licensee that the Township Board will conduct a hearing at a specified meeting to consider the suspension, revocation or limitation of the license, and that the licensee will be given a reasonable opportunity to be heard at the hearing. The Township Board's decision to suspend, revoke or limit a license shall be final and subject to right of appeal to the circuit court for the County of Ionia, within the time prescribed by law.

Section 15. Penalties/Enforcement.

(a) *Municipal Civil Infraction.* A violation of this ordinance or a violation of any license granted hereunder, including any term or condition included therein, is a municipal civil infraction, for which the fine shall be \$500 for the first offense, and not less than \$1,000 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, "subsequent offense" means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) *Injunctive Relief.* In addition, a violation of this ordinance or a violation of any license granted hereunder, including any term or condition included therein, is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

Section 16. Severability. In the event that any provision of this ordinance is held to be invalid, such holding shall not affect the validity or enforceability of any of the remaining provisions of this ordinance.

Section 17. Repeal and Effective Date. All ordinances or parts of ordinances that are in conflict with this Ordinance are hereby repealed, to the extent of such conflict. This

Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Pepper, Jackson, Thompson, Ludema, Willison

NAYS: Members: NONE

ORDINANCE DECLARED ADOPTED.

Marshann Ludema
Marshann Ludema, Clerk
Township of Campbell

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Campbell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Marshann Ludema
Marshann Ludema, Clerk
Township of Campbell