
**SEARSPORT SOLAR ENERGY SYSTEMS
ORDINANCE**

Solar Energy Systems Ordinance Table of Contents

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A. TITLE

This Ordinance shall be known and may be cited as the “Searsport Solar Energy Systems Ordinance” and will be referred to herein as the “Ordinance”

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution.

C. PURPOSES

1. The Town of Searsport finds that it is in the public interest to encourage the development and use of Solar Energy Systems as a clean, renewable energy source and to help promote sustainable initiatives in town.
2. The purpose of this Ordinance is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety and welfare of Searsport citizens.

D. APPLICABILITY

1. The provisions of this Ordinance shall apply to Solar Energy Systems as defined by this Ordinance and by Title 28-A, MRSA, Section 1421,1423, within the boundaries of the Town of Searsport.
2. The requirements of this Ordinance shall apply to all small, medium, and large-scale Solar Energy Systems modified or installed after March 15, 2020.
3. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable local, state and federal codes, regulations and standards.
4. Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this ordinance.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, Ordinance, deed restriction or covenant, the more restrictive or higher standard covenant shall govern, unless otherwise prohibited by State Law.

F. SEVERABILITY

In the event that any section, subsection, or provision of this Ordinance shall be declared by any court or competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity

of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

1. Initiation

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board, provided a majority of the board has so voted.
- b. Request of the Board of Selectpersons to the Planning Board.
- c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A MRSA § 2522 or 2528.
- d. An individual may initiate an amendment through any of the above methods.

2. Hearings

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before the Town Meeting vote on any proposed amendment, and shall make a written recommendation to the Board of Selectmen within 30 days from the public hearing.

3. Majority Vote

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the voters at an Annual Town Meeting.

H. EFFECTIVE DATE

This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval at an Annual Town Meeting. A copy of this Ordinance, certified by the Searsport Town Clerk shall be filed with the Searsport Town Clerk.

I. PERMITTING

1. Solar Energy Systems or devices shall be installed or operated in Searsport in compliance with this ordinance and any other applicable local, state and federal regulations or codes.
2. Solar thermal, building-integrated photovoltaic, building mounted photovoltaic, roof mounted, and small-scale ground mounted Solar Energy Systems shall obtain a building permit through the Code Enforcement Department and are permitted in all zoning districts referenced in the Searsport Land Use Ordinance.
3. Medium and large-scale ground-mounted Solar Energy Systems are permitted per the Searsport Land Use Ordinance. Such Solar Energy Systems shall obtain a building permit through the Code Enforcement Officer following Planning Board site plan approval.
4. Historic districts, sites, or landmarks. All Solar Energy Systems proposed to be within a historic district, site or landmark require a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a building permit from the Code Enforcement Officer following Planning Board site plan approval.

J. SUBMITTAL REQUIREMENTS FOR SITE PLAN REVIEW OF SOLAR ENERGY SYSTEMS.

The following information shall be submitted with a site plan application for a review of a solar energy system and associated facilities under this ordinance in addition to the submittal requirements set out in the Searsport Site Plan and Land Use Ordinance:

1. A narrative describing the proposed solar energy system, including an overview of the project; the project location; the generating capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance (including a plan or other graphics that demonstrate compliance). Where systems are proposed in the front part of the site, the application shall include technical documentation as to why it is not possible to locate the system to the side or rear of the site.
2. An accurate scaled site plan of the subject property showing the planned location of the proposed solar energy system and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking, and curb cuts on the subject property; and specifications for all proposed electrical cabling/transmission lines, accessory equipment, and landscaping.
3. A scaled elevation drawing showing the proposed solar energy system and all proposed structures, foundations, supports, fencing, vegetation and landscaping, indicating the size, color and materials of the system. Drawings of structures and foundations shall be stamped by a licensed Professional Engineer.
4. Information on any proposed connections to the grid including any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system and grid connections.
5. In the case of medium and large ground mounted solar energy systems, the applicant shall provide an Operations and Maintenance Plan, including site control and the projected operating life of the system, prepared and stamped by a licensed Professional Engineer or other licensed professional as appropriate.

K. DIMENSIONAL REQUIREMENTS

1. Height

- a. Building-integrated photovoltaic systems and roof-mounted Solar Energy Systems shall not exceed the maximum allowed building height or peak of the roof, whichever is greater, in the district they are proposed to be located. Regarding non-residential uses, roof-mounted Solar Energy Systems shall be considered comparable to a building appurtenance and, for purposes of height measurement, shall be consistent with other building-mounted mechanical devices or similar building appurtenances as determined by the Code Enforcement Officer or Planning Board.
- b. Small-scale ground-mounted Solar Energy Systems in all residential districts specified in the Land Use Ordinance shall not exceed twelve (12) feet in height when oriented at minimum tilt to the vertical.

- c. Ground-mounted Solar Energy Systems in all other zoning districts shall conform to the building/structure height requirements of the zoning district(s) in which they are permitted in.
2. Setback
- a. All ground-mounted Solar Energy Systems shall be regulated by the dimensional setback regulations stipulated in the Searsport Land Use Ordinance, The Searsport Shoreland Zoning ordinance, or as prescribed in other sections of this ordinance.
 - b. Ground-mounted Solar Energy Systems shall not be located in front yards in residential zoning districts specified in the Searsport Land Use Ordinance, unless they are sited at least fifty (50) feet from the front property line(s).
 - c. Lot Coverage/Calculating Small, Medium or Large Solar Energy Systems Surface Area. Regarding small, medium or large-scale Solar Energy Systems, lot coverage and surface area square footage (or solar collector coverage/horizontal projected area) shall be calculated by measuring the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface.

L. STANDARDS FOR APPROVAL OF BUILDING INTERGRATED, BUILDING-MOUNTED PHOTOVOLTAIC, ROOF-MOUNTED AND SMALL-SCALE GROUND MOUNTED SOLAR ENERGY SYSTEMS.

- 1. All wiring must comply with the National Electrical Code, most recent edition.
- 2. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer or their designee.
- 3. Any connection to the public utility grid must be inspected by the appropriate public utility unless waived by the public utility.
- 4. Roof-mounted and building-mounted solar collectors shall meet all applicable fire safety and building code standards.

M. STANDARDS FOR APPROVAL OF MEDIUM AND LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS

In addition to the standards above, medium and large-scale ground-mounted Solar Energy Systems shall comply with the following:

- 1. Utility Connections – Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

2. Safety – All means of shutting down the Solar Energy System shall be clearly marked on the plan.
3. Visual Impact – Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, and protecting scenic resources.
4. Glare – Solar panel placement shall be prioritized to minimize or negate any solar glare onto nearby properties, public gathering places or roadways without unduly impacting the functionality or efficiency of the Solar Energy System.
5. Natural resources – Reasonable efforts, as determined by the Planning Board, shall be made to protect wetlands, watersheds, working agricultural lands, surface waters, slopes greater than twenty percent (20%), as well as Undeveloped Habitat Blocks, High Value Plant and Animal Habitats and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife’s Beginning with Habitat Program.

N. ADDITIONAL STANDARDS FOR LARGE-SCALE SOLAR ENERGY SYSTEMS

1. Operations & Maintenance Plan - as part of a large-scale ground-mounted Solar Energy System site plan the project applicant shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.
2. Signage - Signs on large-scale ground-mounted Solar Energy Systems shall comply with all applicable standards in the Searsport Land Use Ordinance and shall be required, at minimum, to identify the owner and provide a 24-hour emergency contact phone number. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding system informing individuals of potential voltage hazards.
3. Emergency Services - The owner or operator of a large-scale ground-mounted Solar Energy System shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
4. Installation Conditions - The owner or operator of a large-scale ground-mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s), unless the road(s) is accepted as a public way.
5. Removal - Any large-scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one year after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of
 - a. Physical removal of all Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site.

- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- d. If the owner or operator of the large scale ground mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within one year of abandonment or the proposed date of decommissioning, the Town retains the right to use any and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned large-scale ground-mounted Solar Energy System to be removed.

O. DEFINITIONS

1. **RATED NAMEPLATE CAPACITY:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
2. **SOLAR COLLECTOR:** A device, such as a PV cell or a solar thermal collector that absorbs solar radiation from the sun and transforms it into electricity or heat.
3. **SOLAR ENERGY SYSTEM:** Any solar photovoltaic cell, module, array or solar hot air or water collector device which uses mechanical, physical, or chemical means to convert energy collected from sunlight into an alternative form of energy. Solar Energy Systems include, but are not limited to: photovoltaic cells, solar hot water heaters, etc.
4. **SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV):** Any Solar Energy System that consists of photovoltaic cells and/or panels which are fully integrated into the exterior structure of a building.
5. **SOLAR ENERGY SYSTEM, BUILDING MOUNTED PHOTOVOLTAIC:** Any Solar Energy System that consists of photovoltaic cells and/or panels which are affixed to the exterior of a building such as the façade (see definition of Solar Energy System, Roof-Mounted).
6. **SOLAR ENERGY SYSTEM, GROUND-MOUNTED:** Any Solar Energy System that is structurally mounted to the ground and is not attached to a building; may be of any size (small-, medium- or large-scale).

7. SOLAR ENERGY SYSTEM, LARGE SCALE: A Solar Energy System which occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kw DC or greater); surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array.
8. SOLAR ENERGY SYSTEM, MEDIUM-SCALE: A Solar Energy System which occupies 1,750 square feet but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 – 249 kw DC); surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array.
9. SOLAR ENERGY SYSTEM, SMALL-SCALE: A Solar Energy System which generally occupies less than 1,750 square feet of surface area (equivalent to a rated nameplate capacity of less than 10 kw DC); surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array.
10. SOLAR ENERGY SYSTEM, PHOTOVOLTAIC (PV): A Solar Energy System that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof mounted, ground-mounted, or pole-mounted.
11. SOLAR ENERGY SYSTEM, ROOF-MOUNTED: Any Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).
12. SOLAR THERMAL SYSTEM (Solar Hot Water or Solar Heating Systems): A Solar Energy System that directly heats water or other liquid, or air, using sunlight.

P. VIOLATIONS AND ENFORCEMENT

1. VIOLATION.

Any construction of buildings or structures, and any use of land, buildings or structures except in conformance with the provisions of this Ordinance shall be deemed a violation of this Ordinance and a nuisance.

2. CODE ENFORCEMENT OFFICER.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. LEGAL ACTIONS.

When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

4. PENALTIES.

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

5. CONTRACTOR LIABILITY.

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

Q. APPEALS

The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

R. ADOPTION

This ordinance was submitted to the voters of Searsport and adopted at a regular Town Meeting held on the 7th day of March 2020.

This is a true and attested copy by: Deborah Plourde

Deborah Plourde, Town Clerk