

TOWN OF SPRINGDALE  
DANE COUNTY, WISCONSIN

**ORDINANCE 2023-10-1,  
COMMERCIAL SOLAR ENERGY  
SYSTEM ORDINANCE**

It is Hereby Ordained by the Town Board of Springdale, Dane County, as follows:

**00.01 Title.**

This ordinance may be referred to as the Commercial Solar Energy System Ordinance.

**00.02 Authority.**

This ordinance is adopted pursuant to authority granted by the Wisconsin Statutes, including but not limited to, Wis. Stat. § 62.23(7), 60.22(1), 60.22(3), 61.34, and 66.0401.

**00.03 Purpose.**

The purpose of this ordinance is to:

- (1) Require and oversee the permitting of certain Solar Energy Systems.
- (2) Preserve and protect public health and safety and to prevent or minimize off-site impacts from on-site and off-site operations.
- (3) Provide for Town review of proposed solar energy facilities and to ensure such facilities are property sited, installed, maintained and decommissioned in a manner that will protect the natural beauty of the Town and its agricultural resources without significantly increasing the cost or decreasing the efficiency of a Solar Energy System (per Wis. Stat. § 66.0401).

**00.04 Applicability**

This Ordinance applies to all Systems with total solar panel surface area, including framing, of two thousand (2,000) square feet or greater on properties two (2) acres or larger, or one thousand (1,000) square feet or greater on properties smaller than two (2) acres. This ordinance shall not apply to any System for which a Certificate of Public Convenience and Necessity from the Wisconsin Public Service Commission is required. The requirement for a permit may not be avoided by successive installations, each of which are smaller than the thresholds established herein. This Ordinance shall not apply where solar panels and any accompanying equipment are mounted upon a principle structure or accessory structure where the accessory structure is erected primarily for purposes other than for the mounting of solar energy equipment.

**00.05 Definitions.**

In this ordinance:

- (1) "Board" means the Town of Springdale Board of Supervisors.
- (2) "Solar Energy System" or "System" has the meaning provided in Wis. Stat.

13.48(2)(h)1.g. and includes transmission facilities dedicated to the Solar Energy System.

- (3) "Owner" shall mean, unless otherwise specified, the individual or entity that owns or operates the System in accordance with this ordinance together with the owner of real property upon which the System is located, jointly and severally.
- (4) "Total height" means the vertical distance from ground level to its highest point.
- (5) "Decommission" means the removal and site rehabilitation of an end-of-life or inactive System.

#### **00.06 Standards.**

A Solar Energy System may be allowed to be installed in the Town subject to the following requirements:

**00.06.1** Setbacks. The System shall be set back from property lines in accordance with applicable zoning requirements at a minimum, except that any noise producing equipment shall be set back as far as necessary to minimize, to the greatest extent possible any noise impacts on neighboring residences. Greater setbacks, screening requirements or both may be required for any System components in order to reduce impacts on neighboring property provided such requirements meet the conditions set forth in Wis. Stats. §66.0401(1m)(a)-(c).

**00.06.2** Total Height. The Total Height of structures and accessory buildings shall not exceed 15 feet. The Town Board may approve a greater height if doing so is necessary to meet at least one of the conditions in Wis. Stats. §66.0401(1m)(a)-(c) or based on the demonstration of a significant need and where the impacts of an increased height are mitigated.

**00.06.2.1** The Owner shall ensure that the System is designed and maintained in compliance with standards contained in all applicable local, state and federal regulations, rules, laws, building and electric codes and ordinances applicable to the System and the land upon which it is placed.

**00.06.3** Ground Cover. Ground cover on the site, including the ground under the System, shall be native vegetation or grass pasture and maintained in accordance with permit conditions.

**00.06.6** Lighting. Any on-site lighting shall comply with the Town's Dark Sky Lighting Ordinance.

**00.06.7** Signs. All signs shall comply with Title IX, Chapter 4 of the Town of Springdale Code of Ordinances, "Sign Ordinance".

**00.06.8** Noise. Notwithstanding any other conditions or requirements imposed under this ordinance, no System shall cause noise that unreasonably interferes with the quiet enjoyment of neighboring property or unreasonably disturbs persons of ordinary sensibilities on neighboring property.

**00.06.9** No System shall produce glare that would constitute a nuisance to the

public.

**00.06.10** The Solar Energy System owner shall reimburse the Town for any and all damage occurring to Town roads as a result of construction or maintenance of the Solar Energy System. The Town may assess any such damage that is unpaid after the time set forth in a written invoice as a special charge pursuant to Wis. Stats. §66.0627 on the Owner's property tax bill.

## **00.07 Permit Requirements.**

**00.07.1** Permit. A permit shall be required for the installation of a Solar Energy System.

**00.07.2** Application: The permit application shall include:

**00.07.2.1** Documents demonstrating ownership of the subject parcel(s) or documents demonstrating that the applicant has authorization to act upon the Owner's behalf. If the owner or operator of the system is different than the owner of the real property upon which the System is operated, the application shall demonstrate that the owner of real property understands that this Ordinance imposes obligations and potential liabilities to the Town upon the owner of the real property that the Town cannot waive and that the owner of the real property has considered these obligations and potential liabilities in any lease or other agreement to permit the System to be constructed on the property.

**00.07.2.2** A plot plan of the property on which the System will be located which includes the following:

- Property lines and physical dimensions of the property;
- Location, dimensions, and types of existing major structures and physical attributes of the property;
- Surrounding properties and their current uses;
- Location of the proposed System;
- The right-of-way of any public road that is contiguous with the property;
- Any overhead utility lines;
- System blueprints or drawings;
- All points of ingress and egress on the property.

**00.07.2.3** A Concept Plan which includes the following:

- A detailed site plan which includes:



- A Construction Management Plan addressing the initial construction of the System that includes:
  - Site access planning, including traffic control methods;
  - Construction Mitigation Plan that addresses the mitigation of the effects of System construction on neighboring properties and the handling of construction complaints.
- Screening/Buffer Plan
- Vegetation/Ground Cover Plan
- Detailed Operational Plan which includes:
  - Identification of the utility company that will interconnect to the System;
  - All details regarding the System and its components relevant to evaluating the System under this Ordinance;
  - Lighting plans;
  - Noise mitigation plans;
  - Ingress/egress and parking area plans;
  - Maintenance plans;
- Detailed Decommissioning Plan which includes:
  - A Decommissioning Cost Estimate prepared by a licensed professional engineer.
  - Details regarding decommissioning security to be provided (Bond or Escrow).

**00.07.3**

**00.07.4** Town Board Approval. Before any permit to install a Solar Energy System may be issued, the Town Board shall examine the application for the permit for compliance with the requirements of this ordinance and may approve the application by a majority vote.

**00.07.5** Fees. The application for a permit for a Solar Energy System must be accompanied by the fee specified by the Town Board. The Owner shall agree to reimburse the Town's reasonable attorney, qualified engineer, and building inspector fees relating to the evaluation, preparation and issuance by the Town of the permit.

**00.07.6** Expiration. A permit issued pursuant to this ordinance shall expire if:  
**00.07.6.1** The Solar Energy System is not installed or functioning within 36 months from the date the permit is issued; or,

**00.07.6.2** The Solar Energy System is out of service or otherwise unused for a continuous 6-month period.

**00.08 Decommissioning.**

**00.08.1** A Solar Energy System that is out-of-service or otherwise unused for a continuous 6-month period will be deemed to have been abandoned. The Town Board may issue a Notice of Abandonment to the Owner that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 120 days from the date of receipt of the Notice of Abandonment. The Town Board may withdraw the Notice of Abandonment if the owner demonstrates the System has not been abandoned.

**00.08.2** If the Solar Energy System is determined to be abandoned, the Owner shall remove the System at the Owner's sole expense within 4 months of receipt of Notice of Abandonment. If the owner fails to remove the System to the satisfaction of the Town, the Town may pursue legal action(s) to have the System removed at the Owner's expense.

**00.08.2.1** Prior to the issuance of any permit the Owner, shall deliver to the Town a legal instrument granting the Town both the right to access the property and an interest in the System equipment and materials to complete the decommissioning upon the Owner's abandonment or default. The instrument shall bind the Owner and the property owners and their successors, heirs and assigns. Nothing herein shall limit other rights or remedies that may be available to the Town to enforce the obligations of the Owner.

**00.08.3** **Decommissioning Cost Estimate.** Prior to issuance of the Solar Energy System Permit, and as a part of the Solar Energy System application, the Owner shall file with the Town a Surety Bond payable to the Town in an amount that is equal to the decommissioning cost estimate that is provided as a part of the decommissioning plan submitted with the permit application.

**00.08.3.1** The cost estimate shall provide the gross estimated cost to decommission the System in accordance with the decommissioning plan.

**00.08.3.2** The decommissioning plan and the amount of the decommissioning cost estimate shall be reviewed by and approved by the Town Engineer.

- 00.08.3.3** The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the System equipment and materials.
- 00.08.3.4** The Owner shall update the decommissioning cost estimate every five years and reimburse the Town for the cost of the Town Engineer's review and analysis. The updated cost estimate is subject to the approval of the Town Engineer.
- 00.08.3.4.1 As a part of these five-year cost estimate updates the Owner shall update the Surety Bond provided to the Town commensurate to the amount that the Town Engineer approves.
- 00.08.3.4.2 As a part of these five-year cost estimate updates the Owner shall provide to the Town an updated report of the size and energy production capacity of the Solar Energy System.
- 00.08.3.5** If the Owner does not update the decommissioning estimate and/or update the amount of the decommissioning Surety Bond provided to the Town, the Town may seek revocation of the Permit and take legal action to have the System removed at the Owner's sole expense.

#### **00.09 Violations.**

It is unlawful for any person to construct, install, or operate a Solar Energy System that is not in compliance with this ordinance or with any condition contained in a permit issued pursuant to this ordinance.

#### **00.010 Administration and Enforcement.**

- (1) This ordinance shall be administered by the Town Board or other official as designated.
- (2) By accepting a permit, the Owner agrees that the Town Board or other official as designated may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met. If necessary, the owner of the Solar Energy System shall be responsible for obtaining the permission of the owner of property on which the System is to be installed to allow the Town Board or other official as designated to conduct the inspection.



- (3) The Town Board or other official as designated may issue orders to abate any violation of this ordinance.
- (4) The Town Board or other official as designated may issue a citation for any violation of this ordinance.
- (5) The Town Board may refer any violation of this ordinance to the Town attorney for enforcement.

**00.10 Penalties.**


- (1) Any person who fails to comply with any provision of this ordinance, a permit issued pursuant to this ordinance, or with conditions attached to a permit issued pursuant to this ordinance, shall be subject to enforcement and penalties as stipulated in Title 1 ch.1 section 6, General Penalty of the Town of Springdale Code of Ordinances.
- (2) Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this ordinance.

**00.11 Severability.**

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Springdale, Dane County, Wisconsin at a meeting held on October 17, 2023, by a vote of 3 in favor, 0 opposed and — not voting due to absence.

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TOWN OF SPRINGDALE

  
John Rosenbaum, Town Chair

ATTEST:

  
Jackie Arthur, Town Administrator/Clerk

Adopted: October 17, 2023