

TOWN OF BROWNVILLE

SOLAR ENERGY SYSTEM ORDINANCE

1. Title

- A. This Ordinance shall be known as the “Brownville Solar Energy System Ordinance” and will be referred to herein as the “Ordinance”

2. Authority

- A. This Ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIII of the Maine Constitution and under the authority granted to the Town by the Maine Revised Statutes, including of 30-A M.R.S. § 2101, et seq.
- B. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.
- C. This Ordinance shall be administered by the Town’s Planning Board and enforced by the Town’s Code Enforcement Officer and/or the Board of Selectpersons.

3. Purpose

- A. Establish clear guidelines and standards for the Town to regulate Solar Energy Systems.
- B. Permit the Town to fairly and responsibly protect public health, safety, and welfare.
- C. Minimize any potential adverse effect of solar development on surrounding land use.
- D. Provide for the decommissioning/removal of panel and associated utility structures that are no longer being used for energy generation and transmission purposes.

4. Applicability

- A. A Solar Energy System (SES) approved for construction prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance that expands or relocates the footprint of the SES, shall require a new application under this Ordinance. Routine maintenance or replacements in kind do not require a permit. Solar Energy Farms are not permitted in the Town of Brownville.

5. Definitions

- A. Solar Energy Systems (SES): A solar photovoltaic cell, module, or array, or solar hot air or water collective device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.
- B. Solar Energy System, Ground-Mounted: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.
- C. Solar Energy System, Roof-Mounted: A Solar Energy System that is mounted on the roof of a building or structure.
- D. Solar Energy Farm: A Solar Energy System, of any size, placed solely to generate electricity to feed power into an electrical grid or other commercial purpose.
- E. Solar Energy System, Private Use: A Solar Energy System whose physical size based on total airspace projected over the ground is less than 3,000 square feet and/or that generates a nameplate capacity of less than 20 KW. Such a system may consist of one or more freestanding ground, or roof-mounted, solar arrays, or solar related equipment. The primary purpose of a Private Use System is to reduce on-site consumption of utility power or fuels, not to feed into an electrical grid.

- F. Solar Array: A grouping of multiple solar modules with the purpose of harvesting solar energy.
- G. Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.
- H. Solar Related Equipment: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations, or other structures used or intended for collection and management of solar energy.

6. Permit Required

A permit approved by the Code Enforcement Officer shall be required for all Private Use Solar Energy Systems. All Solar Energy Systems shall conform to the requirements of this Ordinance and other applicable provisions of the Town of Brownville Ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the more restrictive provision shall apply.

7. Application Fee

A. Solar Energy System, Private Use: The application fee is the standard Building Permit fee.

8. Specific Application Requirements

- A. An application for a Private Use Solar Energy System must include the following:
 - 1. A description of the panels to be installed, including make and model, and associated system components;
 - 2. For a roof-mounted system, the owner shall provide evidence that the roof is capable of supporting the collateral load of the SES;
 - 3. For a roof-mounted system, a minimum three-foot buffer zone is required from the ridge and one edge of the roof or parapet for firefighter access;
 - 4. A Building/Demolition Permit Application.

9. Standard for Approval

- A. The following standards must be met:
 - 1. Private Use Ground-Mounted Solar Energy Systems:
 - a. Lots: All SES shall be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.
 - b. Setback and Height: Structures within a SES shall be setback a minimum of 20 feet from the side and rear property lines and meet the front setback requirements for roads. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 12 feet above the ground surface.
 - c. Prohibited Locations: Components of a ground-mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
 - d. Signage is not allowed on any solar energy systems.
 - e. Glare: All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
 - f. Safety: Solar Energy System installations are regulated through, and must be in compliance with the National Fire Protection Association NFPA 850 and NFPA 70 Electrical Code.
 - 2. Private Use Roof-Mounted Solar Energy Systems:
 - a. SES mounted on roofs of any building shall be subject to a maximum height regulation of 35 feet.
 - b. Glare: All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

- c. Safety: Solar Energy Systems installations are regulated through, and must be in compliance with the National Fire Protection Association NFPA 850 and NFPA 70 Electrical Code.
- 3. Solar Energy Farms:
 - a. Solar Energy Farms, of any size, placed solely to generate electricity to feed power into an electrical grid or other commercial purpose are not permitted within Town limits.

10. Decommissioning and Removal

- A. Any Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Code Enforcement Officer during the application process. The landowner, or SES owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
- B. Decommissioning shall consist of:
 - 1. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
 - 2. Disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and
 - 3. Stabilization or revegetation 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 to minimize erosion and disruptions to vegetation.

11. Modifications

- A. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance, shall require review and approval under this Ordinance.
- B. Any modifications to a Private Use Solar Energy System made after issuance of the required town permit(s) shall require approval by the Code Enforcement Officer.
- C. Application fees for modifications shall be consistent with the standard Building/Demolition Permit fee.

12. Effective Date and Duration

- A. This Ordinance shall take effect on July 18, 2023 upon enactment by the Town of Brownville unless otherwise provided and shall remain in effect until it is amended or repealed.

13. Appeals

- A. The Board of Appeals, as established in the Town of Brownville, shall hear appeals relative to this Ordinance.

14. Enforcement of Violations and Penalties

- A. This ordinance shall be enforced by the Code Enforcement Officer or the Municipal Officers or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452.

Adopted by the Town of Brownville on July 18, 2023

Attest:


Alicia M. Harmon, Town Clerk

