

NON-COMMERCIAL SOLAR ORDINANCE OF MENARD COUNTY



A Center of Lincoln's Illinois

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ARTICLE I

1.01 TITLE

This ordinance is the Non-Commercial solar ordinance of Menard County. References in this document to “the solar code”, “the solar ordinance”, “this code”, or “this ordinance” shall be deemed to be references to the Non-Commercial Solar Ordinance of Menard County as amended from time to time.

1.02 PURPOSE

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SECS) in Menard County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, conservation lands, and other sensitive lands. This ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances.

2.01 DEFINITIONS

ACCESSORY: As applied to a building, structure, or use, one which is on the same lot with, incidental to, and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS: A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

GROUND MOUNT SOLAR ENERGY CONVERSION SYSTEM (SECS): A solar energy conversion system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PHOTOVOLTAIC SYSTEM: A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes the cells.

QUALIFIED SOLAR INSTALLER: A trained and qualified electrical professional, certified in Illinois and listed with the International Code Council (ICC), who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

ROOF MOUNT SOLAR ENERGY CONVERSION SYSTEM: A solar energy conversion system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

SOLAR ACCESS: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

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.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY STORAGE BATTERY/UNIT: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SOLAR THERMAL SYSTEMS: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

3.01 GROUND MOUNT AND ROOF MOUNT (SECS) PERMITTED AS AN ACCESSORY USE.

Ground Mount and Roof Mount (SECS) shall be permitted as an accessory use by a building permit in all zoning districts. An application shall be submitted to the Zoning Office demonstrating compliance with the Menard County Zoning Ordinance in addition to the following requirements:

1. Height:
 - a. Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in their respective zoning district.
 - b. Ground or pole-mounted solar energy systems shall not exceed the following height requirements in the specified Zoning districts when oriented at maximum tilt. The remaining Zoning Districts will be allowed at the maximum height requirement.

Agricultural District (AG) – 20 feet

Rural Residential (RR) – 16 feet

Single Family Residential and Multiple Family (R1 & R3) – 10 feet

- c. Ground mounted solar energy systems may be placed in the front yard, but shall not exceed 30 inches above grade.

2. Setbacks:

- a. Ground mounted solar energy systems shall meet the accessory structure setbacks for the zoning district in which the unit is located.
- b. Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.
- c. In addition to building setbacks, the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge and setback requirements are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- d. Ground mounted SECS shall meet the required setbacks required to comply with Illinois Department of Transportation sight distance standards for roadways.

3. Reflection Angles:

- a. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties or roadways.

4. Visibility:

- a. Solar energy systems shall be located in a manner to reasonably minimize view blockage and shading for surrounding properties while still providing adequate solar access for collectors.

5. Safety :

- a. Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to areas upon which the panels are mounted (NFPA 1 Fire Code).
- b. All solar energy conversion system installations shall be performed by an Illinois certified installer listed with the International Code Council (ICC).

- c. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.
- d. All solar energy systems shall be maintained and kept in good working order. If it is determined by the Zoning Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform as intended for 6 consecutive months, the property owner shall be given 30 day notice for removal of the unit and all equipment. If the solar energy system is not removed within 30 days the Zoning Administrator shall issue a Notice of Violation in accordance with the Menard County Zoning Ordinance.

6. Approved Solar Components:

- a. Electric solar energy system components shall have a UL listing or approved equivalent. A UL listing means representative samples have been tested and meet safety standards. Solar hot water systems shall have an SRCC rating. The SRCC rating standardizes comparisons of solar thermal products.

7. Restrictions on Solar Energy Systems Limited:

- a. Consistent with 765 ILCS 165/, no homeowner's agreement, covenant, common interest community, or other contracts between multiple property owners within a subdivision of unincorporated Menard County shall prohibit or restrict homeowners from installing solar energy systems.

4.01 BUILDING INTEGRATED SYSTEMS.

Building Integrated Systems shall be permitted outright in all zoning districts.

5.01 ADMINISTRATION AND ENFORCEMENT.

The Zoning Administrator shall enforce the provisions of this section through an inspection of the SECS installation. The Zoning Administrator is hereby granted the power and authority to enter upon the premises of SECS installation at any time by coordinating a reasonable time with the operator and/or owner. Any person, firm, or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each offense. A separate and distinct offense shall be regarded as committed each day the violation remains uncorrected.

6.01 FEES CHARGED FOR BUILDING PERMITS.

The fees for processing the applications for building permits and mechanical permits shall be collected by the Zoning Administrator who shall be accountable to the County for such fees as follows:

1-10 kilowatts (kW-dc)	\$75
11-20 kilowatts (kW-dc)	\$150
21-50 kilowatts (kW-dc)	\$300
51-100 kilowatts (kW-dc)	\$500
101-500 kilowatts (kw-dc)	\$1,000

*Solar Thermal Systems convert BTU to kilowatts (kW-dc)

7.01 PENALTIES

A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this code shall be deemed a violation of the code. The State's Attorney may bring action to enforce compliance of the requirements of this chapter by filing an action in Menard County court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.

Any person found guilty of violating, disobeying, omitting, neglecting, or resisting any provisions of this code, upon conviction thereof shall be guilty of a petty offense and shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars. A separate and distinct offense shall be regarded as committed each day the violation remains uncorrected.

Nothing herein shall prevent the county from seeking such other legal remedies available to prevent or remedy any violations of this code.

8.01 VALIDITY

1. This ordinance shall be a supplement to, and shall not nullify or usurp any state or federal law. This ordinance shall supersede any and all resolutions or ordinances that have been passed prior, governing non-commercial SECS installation.
2. If any section, paragraph, sentence, clause or other portion of this ordinance is held or deemed to be unenforceable or invalid, then such holdings or finding of unenforceability or invalidity shall not affect the validity of the remaining provisions of this ordinance.

3. This ordinance shall become effective immediately. Be it further ordained that this ordinance be recorded in the permanent records of the Menard County Board and published according to law.