

TOWN OF MOSEL
SHEBOYGAN COUNTY, WISCONSIN

ORDINANCE NO. 2023-06

**AN ORDINANCE CREATING SECTION 7.16
OF THE MUNICIPAL CODE OF THE TOWN OF MOSEL
REGARDING SOLAR ENERGY SYSTEMS (SES)**

WHEREAS, the Town of Mosel regulates the use and development of land and buildings within the Town; and

WHEREAS, amendments must be made from time-to-time to keep the policies current, reflect current practices, and address new issues and circumstances; and

WHEREAS, a public hearing was held on June 7, 2023 at 6:30 p.m. at the Mosel Town Hall, W982 CTH FF, Haven, Wisconsin, after public notice; and

WHEREAS, the Town of Mosel Plan Commission, after careful consideration of testimony and an examination of the facts attendant with the petition, recommended the creation of Section 7.16 of the Town of Mosel Municipal Code to address current practices and new circumstances; and

WHEREAS, the Town Board has determined that the creation of Section 7.16 would promote the public health, safety, and welfare of the Town and its inhabitants.

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel, Sheboygan County, Wisconsin does hereby ordain as follows:


Section 1. **Creating Code.** Section 7.16 of the Municipal Code of the Town of Mosel entitled "Solar Energy Systems (SES)" is created as set forth on the attached pages.

Section 2. **Severability.** Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. This ordinance shall become effective the date after posting.

Adopted this 21st day of June, 2023.

TOWN OF MOSEL, WISCONSIN

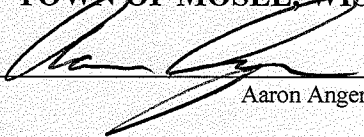


ATTEST: Todd Grunwald, Deputy Clerk-Treasurer

MOTION: Schmidt / Wagner

VOTE: 3 Ayes 0 Noes 0 Abstentions

EFFECTIVE DATE: June 21, 2023


Aaron Anger, Town Chair

- (p) Any signage must meet the standards of the Town of Mosel Sign Ordinance.
- (q) Conditional use permits shall expire December 31 of each year.

7.16 SOLAR ENERGY SYSTEMS (SES)

A. APPLICABILITY

The standards in this Section apply only to mid-scale solar energy systems as described in subsection C.

B. PURPOSE

There are hereby established standards for certain solar energy systems that will provide for the construction and operation of said systems. All regulations contained herein are adopted to preserve and protect public health and safety.

C. TYPES OF SOLAR ENERGY SYSTEMS AND PERMITS REQUIRED

- (1) **Large-scale SES (100 MW or more):** Must be approved by the Wisconsin Public Service Commission. Such systems are allowed only in the A-1, A-1-S, A-PR, A-2, B-1, and I-1 districts and require a building permit from the Town. A Sheboygan County Shoreland/Floodplain Zoning permit, if applicable, may also be required. The Town may require a conditional use permit and/or developer's agreement as long as no conditions, in the opinion of the SES developer, inhibit or preclude the project, per Section 196.491(3)(i), Wis. Stats.
- (2) **Mid-scale SES (less than 100 MW but greater than 30 kW):** Are subject to the conditional use permit conditions set forth in Section 7.06 of this Ordinance and the requirements set forth in subsection D below, the Town's building permit requirements, the County's applicable Shoreland/Floodplain requirements, and any other applicable state or federal requirements. Such systems are allowed only in the A-1, A-1-S, A-PR, A-2, A-T, B-1, and I-1 districts.
- (3) **Small-scale SES (30 kW or less):** Are considered to be accessory uses and are permitted uses in all districts. Such systems are allowed whether or not a principal structure exists on the parcel. A building permit from the Town is required, and a Sheboygan County Shoreland/Floodplain Zoning permit may also be required, if applicable.

D. REQUIREMENTS FOR MID-SCALE SOLAR ENERGY SYSTEMS

- (1) Any mid-scale SES hereafter established, altered, or enlarged shall be subject to the following requirements unless less restrictive requirements are specifically granted by the Plan Commission in the conditional use permit.

- (a) **Location:** No portion of a large- or mid-scale SES shall occupy any parcel that lies within one-quarter mile of the corporate boundary of the villages of Howards Grove or Cleveland or City of Sheboygan existing at the time of application for said SES, unless approved by the Town Board after receiving convincing evidence that said SES will not impede the planned growth of said municipalities.
- (b) **Setbacks:** Any portion of the SES shall not encroach within twenty-five (25) feet of any property line, non-navigable waterway ordinary high-water mark, easement, well, or septic field. Setbacks from roadways are seventy-five (75) feet from the center line of the adjacent road. The project design shall be such that aboveground project components (excluding fences and access roads) shall not be closer than two hundred (200) feet to any nonparticipating landowner residential structure.
- (c) **Height restrictions:** Ground mounted components of a SES shall not exceed fifteen (15) feet in height as measured at the apex when any tracker is at its maximum tilt in early morning or late evening. Roof-mounted components shall not exceed a zoning district's height limit by more than five (5) feet.
- (d) **Glare:** The SES, including reflectors, shall be positioned so that glare does not create unsafe conditions for travelers or nuisances for neighboring properties.
- (e) **Sound:** The SES project's inverters, substations, motors, and other noise emitting equipment collectively shall not exceed the Public Service Commission mandated maximum nighttime sound level that is applicable to a 100 MW system or larger at the walls of the noise sensitive receptor, which shall include as a minimum the residence on any non-participating property. To ensure noise level estimates associated with facility design are conservative, a 5 dBA tonal penalty shall be included in any pre- or post-construction sound analysis.
- (f) **Construction hours:** Hours of construction shall be between 6:00 a.m. and 7:00 p.m., Monday through Saturday, and between 10:00 a.m. and 7:00 p.m. on Sunday.
- (g) **Installer:** All SES shall be installed by a North American Board of Certified Energy Practitioners (NABCEP) certified solar installer or other person or entity qualified to perform such work.
- (h) **Foundation:** A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate.
- (i) **Screening:** A SES shall be appropriately buffered and screened from public view by the system owner or representative. Any structure or vegetation under the control of a neighboring property owner, however, that interferes with the function of a SES is considered to be a private nuisance per Section 844.22, Wis. Stats.

- (j) **Town road rights-of-way:** The construction, operation, and decommissioning of a SES shall not adversely impact transportation infrastructure within road rights-of-way in the Town of Mosel or nearby municipalities. Prior to the issuance of any permits for an SES project a Pavement Surface Evaluation and Rating (PASER) survey of roadways likely to be affected by the project, as identified by the Town of Mosel, shall be conducted by an independent, qualified entity, at the expense of the applicant. A second survey must be completed following project completion. The Town of Mosel and any other affected municipalities shall be compensated for any damages resulting from activities related to the project, with the compensation determined by the Sheboygan County Transportation Department.
 - (k) **Code compliance:** A SES shall comply with all applicable local, state, and federal regulatory codes, including the State of Wisconsin electrical and plumbing codes and the National Electrical Code.
 - (l) **Power and communication lines:** Power and communication lines running between banks of ground mounted solar panels to nearby electrical substations, or interconnections with or between structures, shall be buried underground.
 - (m) **Orderly development:** Upon issuance of a conditional use permit, the permit holder shall notify the Wisconsin Public Service Commission.
 - (n) **Decommissioning:** When decommissioning of a SES is required, all equipment, whether above the ground surface or below, shall be totally removed and properly recycled or disposed of. A bond, letter of credit, or an escrow account is required for all SES with a nameplate rating of 1 MW or greater to ensure proper decommissioning. The Town of Mosel shall be named as obligee in the bond, letter of credit, cash, or other surety and must approve the bonding company.
- (2) In addition to the application submittal requirements of Section 7.06 **CONDITIONAL USES** of this Ordinance, the application for a SES conditional use permit shall include the following:
- (a) Solar energy system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan, means of interconnecting with the electrical grid, and any agreements with public utilities with regard to connecting to their systems.
 - (b) Site layout, including the location of property lines, structures, SES; as well as the total extent of system movements, and the interconnection points with the electrical grid.
 - (c) Installers' qualifications and signatures certifying that the SES will be installed in compliance with all Town ordinances and any other applicable codes.
 - (d) Surrounding property uses, including distances to any adjacent nonparticipating landowner residential structures.
 - (e) Percentage of land coverage by the SES when panels are in the position that has the largest horizontal area.

- (f) A decommissioning plan that outlines the anticipated means and cost of removing the SES at the end of its useful life. Decommissioning of a SES must occur in the event the SES is not in use for twelve (12) consecutive months. Decommissioning shall consist of removal of the SES structures and subsurface foundations and equipment, disposal of all solid and hazardous waste in accordance with all applicable waste disposal regulations, and stabilization of soils and/or revegetation of the site as necessary to minimize erosion. The decommissioning methods shall be established and cost estimates shall be made by a competent party such as a professional engineer experienced in such matters, a contractor capable of decommissioning, or a party found by the Town of Mosel to have suitable expertise or experience. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the SES. The Town Plan Commission shall review the decommissioning plan and request changes that may be needed to comply with the conditional use permit or to protect the safety and welfare of the community and properties within the Town. The plan shall provide that decommissioning will begin within one hundred eighty (180) days from the end of the SES useful life or if the SES is not in use for twelve (12) consecutive months. Decommissioning shall be completed within nine (9) months from the start of decommissioning activities.