

**ODESSA TOWNSHIP  
IONIA COUNTY  
MICHIGAN**

**SOLAR ENERGY  
ORDINANCE**

**ORDINANCE NO. 30**

**Adopted 11-6, 2023**

## ODESSA TOWNSHIP SOLAR ENERGY ORDINANCE

### ORDINANCE NO. 30

*An Ordinance to regulate the location, construction, operation, and abandonment of solar energy projects to protect and safeguard the health, safety, and general welfare of the residents and property within Odessa Township by establishing reasonable and uniform regulations for such projects.*

#### THE TOWNSHIP OF ODESSA ORDAINS

**1.0 Title.** This Ordinance shall be known as the Odessa Township Solar Energy Ordinance.

**2.0 Purpose.** The purpose of this Ordinance is to define standards and procedures governing the activities of installation and operation of solar energy projects to protect and safeguard the health, safety, and general welfare of the residents and property within Odessa Township (the “Township”) by establishing reasonable and uniform regulations. The standards and procedures are necessary to: protect public health, safety and welfare; ensure that activities associated with the location and scale of solar energy projects within the Township do not impose unreasonable nuisances on residents and visitors; and protect all areas of the Township and the Township’s natural resources from potential adverse impacts of activities related to solar energy projects, including adverse visual and environmental impacts, among other things.

**3.0 Conflicts with Other Ordinances, Laws, and Regulations.** Except as expressly amended by this Ordinance, other Odessa Township ordinances shall remain unchanged and in full force and effect. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws and regulations, except those specifically repealed by this Ordinance.

**4.0 General Responsibility.** The Odessa Township Board (the “Township Board”) or any duly authorized representative is hereby charged with the duty of enforcing this Ordinance and the Township Board is hereby empowered, in the name of Odessa Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the appropriate court or agency having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation.

**5.0 Validity and Severability.** If a court of competent jurisdiction finds any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect and shall be deemed severable from the portion, clause, or provision deemed to be invalid by the court.

**6.0 Effective Date.** This Ordinance shall become effective thirty (30) days after publication of a summary of this Ordinance as required by law.

**7.0 Definitions.** For purposes of this Ordinance, the following terms shall have the indicated meanings:

- (a) **Abandoned Solar Energy System:** Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it generates less than ten percent (10%) of the intended output of electrical energy (as determined at the time of approval) for a continuous period of 180 days.
- (b) **Large Solar Energy System:** A utility-scale energy system with the purpose to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other technology, for the sale, delivery, or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.
- (c) **Non-Participating Property:** Parcel of land that is not a Participating Property.
- (d) **Participating Property:** A parcel of land whose owner has leased, sold, licensed or otherwise permitted it to be part of a Large Solar Energy System, or has otherwise leased, sold, or licensed some property rights to a third-party that owns or will own a Large Solar Energy System.
- (e) **Person:** Any individual, corporation, partnership, limited liability company, association, or other legal entity.
- (f) **Photovoltaic Device:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.
- (g) **Small Solar Energy System:** An on-site, small-scale solar energy system where the sole activity is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the Small Solar Energy System is located. The power output of a Small Solar Energy System shall not exceed 150 kilowatts.
- (h) **Solar Array:** Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.
- (i) **Solar Energy System Permit (SESP):** A permit authorized, approved, and presented by the Township Board by resolution to a person in which the Township expressly consents to the person operating, maintaining, constructing, erecting, or modifying a Large Solar Energy System.
- (j) **Solar Energy System (SES):** An improvement that generates electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology and includes Small Solar Energy Systems and Large Solar Energy Systems.
- (k) **Survey Drawing:** A scale drawing of the parcel that is intended to allow the Township to ascertain compliance with the requirements of this Ordinance and depicts certain

characteristics of the proposed project, including but not limited to, points of ingress/egress, easements, utilities, structures, topography, lighting, environmental impact reports, noise reports, and any other characteristic or study required under this Ordinance or requested by the Township.

- (l) **Unreasonable Safety Hazard:** Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

**8.0 Solar Energy.** The purpose of this Section is to protect the public health, safety and general welfare in the operation of Solar Energy Systems as defined hereunder and establish standards for these activities. It is the purpose of this Section to regulate the activities of Solar Energy Systems in a manner that is compatible with the public health, safety and welfare of the Township.

**8.1 SESP.** The Township Board may approve and present a SESP to a person to operate, maintain, construct, erect, or modify a Large Solar Energy System within the Township. The Township Board shall approve and present a SESP to a person when all applicable requirements, conditions, and specifications in this Ordinance are met and satisfied.

**8.2 General Requirements for SES.** The following general requirements shall apply to all Solar Energy Systems within the Township, including, where applicable, Small Solar Energy Systems and Large Solar Energy Systems:

- (a) Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- (b) No Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
- (c) A Solar Energy System shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities. A Solar Energy System shall not create stormwater runoff above pre-development rate onto other properties and must manage any additional drainage impacts.
- (d) No Solar Energy System shall involve activities, processes, materials, and equipment or conditions of operation that will be unreasonably detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (e) A Solar Energy System shall be installed in such a way as to be consistent with the public health, safety, and welfare of the Township.

- (f) A Solar Energy System must conform to all applicable federal, state and local requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- (g) A Solar Energy System must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- (h) All power transmission lines from a ground mounted Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
- (i) A Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable construction codes, including electrical and building codes. This includes, but is not limited to, ensuring that any required fencing is maintained to provide sufficient protection and screening, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the SES is in a blighted, unsafe, or substandard manner.
- (j) An Abandoned Solar Energy System shall be dismantled and removed within 365 days of being an Abandoned Solar Energy System.
- (k) Prior to construction, a SES shall be required to obtain building permits, electrical permits, and, if necessary, an engineering evaluation as required by the Michigan Construction Code or applicable building, construction, or electrical codes.

**8.3 Small Solar Energy Systems.** Except where otherwise specifically provided, Small Solar Energy Systems shall not be subject to the permitting (SESP) requirements of this Ordinance.

#### **8.4 SESP Standards and Requirements.**

- (a) **Purpose and Intent:** The purpose and intent of this section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of a Large Solar Energy System to protect the public health, safety, and general welfare of all persons and property within the Township.
- (b) **SESP Approval:** A person may obtain a SESP from the Township Board for activities allowing construction and maintenance of a Large Solar Energy System if the requirements contained in this Ordinance are satisfied.
- (c) **SESP Application Information and Survey Drawing:** All applications for a SESP shall be submitted to the Township Clerk for review by the Township Board must be accompanied by detailed Survey Drawing, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. The information in the Survey Drawing must be sufficient to enable the Township to ascertain compliance with this Ordinance. Applications shall include a Survey Drawing in Portable Document Format

(PDF) (or other format acceptable to the Township Board), at a scale not less than 1" = 100' and the following information, unless deemed unnecessary and waived by the Township Board:

1. The date, north arrow, and scale.
2. The seal, name, and firm address of the professional individual responsible for the preparation of the survey drawing.
3. The name and address of the applicant, and, if not the same, name of owners of each lot or parcel hosting Large Solar Energy System improvements.
4. Legal description of the property (or properties) hosting a Large Solar Energy System.
5. The size (in acres) of the properties hosting a Large Solar Energy System and approximate number of acres allocated to each proposed system and gross area in buildings, structures, public streets and drives, and open space.
6. Property lines and required setbacks shall be shown and dimensioned.
7. The location of all existing structures, driveways, and parking areas including the location, pavement width, and right-of-way width of all roads, streets, and access easements within three hundred (300) feet of the properties hosting a Large Solar Energy System.
8. A vicinity map showing adjacent properties to the property(ies) proposed to host a Large Solar Energy System.
9. The location and dimensions of all existing structures on the property(ies) proposed to host the Large Solar Energy System including any dwellings or structures.
10. Location and height of proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System including any battery storage facilities.
11. The location and dimensions of all existing and proposed drives, sidewalks, signs, exterior lighting, curbing, parking areas, and unloading areas.
12. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Ionia County Road Commission or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize activities for that purpose, and evidence of such approval shall be submitted to the Township Clerk.

13. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height, and type of existing and proposed fences and walls.
14. The location of all existing and proposed utilities.
15. The location and size of all surface water drainage facilities. A written description of measures to be taken to support the flow of surface water throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. Required stormwater control measures shall be subject to the approval of the Ionia County Drain Commissioner or other entity as applicable, and evidence of such approval shall be submitted to the Township Clerk.
16. Existing and proposed topographic contours at a minimum of two (2) foot intervals.
17. Exterior lighting showing area of illumination and indicating any type of fixture to be used.
18. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
19. Location of all existing and proposed overhead and underground electrical transmission or distribution lines associated with the Large Solar Energy System and within 1,000 feet of the outside perimeter of the proposed Large Solar Energy System.
20. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
21. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the SES becomes obsolete, uneconomic or an Abandoned Solar Energy System. Moreover, an applicant must include a statement outlining how long in years that the proposed Large Solar Energy System will operate before being decommissioned.
22. A copy of the manufacturer's safety measures.
23. The environmental impact of the SES, as reflected in an environmental impact study, including, but not limited to, a review of all the following factors:

- i. Impact on area water resources.
  - ii. Impact on air quality.
  - iii. Noise impacts caused by the SES.
  - iv. Impact on utilities and infrastructure.
  - v. Impact on the environment and wildlife.
  - vi. Impacts to hunting.
  - vii. Effects on floodplains, wetlands, and stormwater infrastructure.
  - viii. Impacts on agricultural activities including any impacts on such activities upon decommissioning and proposed return to agricultural activities.
  - ix. Areas of aesthetic or historical importance.
  - x. Archeological or cultural concerns.
  - xi. A description of the potential impacts caused by any panels breaking due to fire, physical force, the elements, or other cause and what, if any, substances or materials could be released within a solar panel into the ground or water.
  - xii. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
24. A signed statement by the person applying for the Large Solar Energy System agreeing that they will freely and voluntarily abide by terms of this Ordinance including the necessity to obtain a SESP and will agree to sign (in addition to a signature from the Township Supervisor) any approval resolution made under this Ordinance granting a SESP noting that they will abide by the terms of the approval.
25. Any other information requested by the Township Board deemed reasonably related to protecting the public health, safety, and welfare.

(d) **Application Escrow Deposit:** For a SESP application fee, an escrow deposit shall be paid to the Township Treasurer by the applicant when the applicant applies for a SESP. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township Board to cover all reasonable costs and expenses associated with the review and approval process, which costs shall include, but are not limited to, reasonable fees of a Township Attorney, Township Planner, and Township Engineer, or other necessary consultants to determine compliance with this Ordinance. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the review process, the Township Board may require that the applicant place additional funds into escrow with the Township Treasurer if the existing escrow amount deposited by the applicant is deemed insufficient by the Township Board. If the escrow account needs replenishing and the applicant refuses to do so promptly, the process shall cease unless and until the applicant makes the required additional escrow



deposit. The escrow account shall not be required to bear interest; however, all unexpended escrow funds shall be returned to the applicant. In no event shall the initial Application Escrow Deposit be less than \$10,000.

- (e) **Compliance with the State Building Code and the National Electric Safety Code:** Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of approval under this section.
- (f) **Certified Solar Array Components:** Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
- (g) **Height:** Maximum height of a Solar Array shall not exceed twenty (20) feet. Other collection devices, components or structures associated with the Solar Array shall not exceed thirty-five (35) feet at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component, or building. The Township Board may waive or modify these height requirements for certain aspects of a Large Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- (h) **Lot Size:** A Large Solar Energy System shall be located on one or more parcels with an aggregate area of twenty (20) acres or greater.
- (i) **Setbacks:** A minimum setback distance of two hundred (200) feet from all property boundaries on the outside perimeter of the Large Solar Energy System (i.e., lands where a person developing a Large Solar Energy System does not have land rights to construct the Large Solar Energy System) shall be required for all buildings and Solar Arrays, except for property boundaries where the applicable adjoining owner(s) agree to reduce that setback distance by executing a signed written waiver of this requirement.
- (j) **Screening/Security:** A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access and that contains fabric screening (or other cover mechanism on the fence) to screen the Large Solar Energy System. Such fencing shall be eight (8) feet in height as measured from the natural grade of the fencing perimeter and must include fabric screening obscuring the Large Solar Energy System and be kept (including the fabric) at all-times in good-repair. Electric fencing or barbed wire fencing is not permitted unless required by law. Unless this requirement has been waived or modified by the Township Board, the perimeter of the Large Solar Energy System shall also be screened and buffered by installing evergreen vegetative plantings (greenbelts) whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System’s entire perimeter from adjacent parcels, subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the Large Solar Energy System, including without limitation between such Large Solar Energy System and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to a Large Solar Energy System as approved under this section.
  2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this subsection shall constitute a violation of this Ordinance and sufficient grounds for revocation of a Large Solar Energy System previously granted.
  3. All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during initial construction of the Large Solar Energy System, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee without any interest.
  4. The continuous evergreen vegetative buffer requirement may be waived or modified through conditions imposed by the Township Board if all adjoining landowner's consent, in writing, to the omission of a vegetative buffer.
- (k) **Signage:** No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the SES, nor does it prohibit any other signs that may be required by this Ordinance or other applicable law.
- (l) **Noise and Sound Study:** The sound pressure level generated by a Large Solar Energy System shall not exceed 45dB(A)  $L_{eq}$  over a one (1) hour period as measured at any Non-

Participating Property line. Applicants must provide the Township a pre-construction and post post-construction sound study report to confirm this standard is met.

- (m) **Lighting:** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- (n) **Glare and Glare Study:** All solar panels in a Large Solar Energy System shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways. An applicant must provide a pre-construction and post-construction glare and glint or comparable study to confirm this standard is met. The Township may require an applicant to utilize operational controls (e.g., panel movements) during operation of the Large Solar Energy System to ensure that no glare is cast onto nearby properties or roadways regardless of screening installed by an applicant.
- (o) **Stormwater Measures - Drain Commissioner Approval:** Applicants must provide evidence that its measures to limit the impacts of stormwater runoff and water quality from the SES are approved by the Ionia County Drain Commissioner. Upon project decommissioning, the applicant shall restore all private drainage infrastructure in accordance with Participating Property owner leases or easement agreements as well as restore all private drainage infrastructure in a manner to allow future agricultural activities on any lands utilized for the Large Solar Energy System which were previously used for agricultural activities prior to hosting Large Solar Energy System activities.
- (p) **Distribution, Transmission and Interconnection:** All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- (q) **Abandonment and Decommissioning** Following the operational life of the project, or at the time the project becomes obsolete, uneconomical or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan prepared by a professional engineer and submit it to the Township Board for review and approval prior to approval under this section that outlines how improvements will be removed and how any lands will be restored to pre-project conditions. Likewise, an applicant shall enter into a decommissioning agreement with the Township Board in a form acceptable to the Township Attorney outlining how decommissioning of the project will occur and that establishes a financial instrument to be posted by the applicant and held in the benefit of the Township for the life of the project such as a surety bond to ensure decommissioning of the project. The decommissioning agreement entered into with the Township shall

include a mechanism to increase the amount of decommissioning bond at a periodic interval (e.g., every five years) using a method deemed acceptable by the Township (e.g., inflationary index or new study estimating decommissioning costs) to account for changing decommissioning costs. Under the decommissioning plan, all structures and facilities shall be removed, including any structures below-grade up to six feet, and removed offsite for disposal. No concrete, piping and other materials may be left in place that are above six feet below the ground. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan subject to the terms of the decommissioning agreement. The ground must be restored to its original condition within 365 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If decommissioning is not completed within a 365-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the lands to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the applicant, including the applicant's continuing restoration security as provided by this Ordinance.

- (r) **Safety:** The Township Board shall not approve a SESP for a SES if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife. The Township Board shall require the applicant to provide all Material Safety Data Sheets ("MSDS Sheets") pertaining to the chemicals, compounds, and components of the Large Solar Energy System, including any Photovoltaic Device or solar panels that will be used in the Large Solar Energy System.
- (s) **Conditions and Modifications:** In addition to the requirements of this section, the Township Board may impose additional reasonable conditions on the approval of a Large Solar Energy System. Any conditions and modifications approved by the Township Board shall be made by resolution and shall be recorded in the Township Board's meeting minutes and shall relate to a standard of this Ordinance.
- (t) **Post-Approval:** After approval, at least two (2) copies of the final approved Survey Drawing shall be signed and dated by the Township Supervisor and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- (u) **Maintenance and Repair:** Each Large Solar Energy System and associated components must be kept and maintained in good repair and condition at all times including all fencing, fencing screening, and landscaping. The applicant shall keep a maintenance log on the Solar Array(s) and Large Solar Energy System improvements, which shall be available for the Township's review on an annual basis. Applicants shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- (v) **Roads:** Any material damage to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be

repaired at the applicant's expense. In addition, the applicant shall submit to either the Ionia County Road Commission or Michigan Department of Transportation ("MDOT") (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- (w) **Emergency Protection:** An applicant shall provide the Township a copy of an emergency response plan, sent to applicable fire departments and first responders with instructions of how to address an emergency pertaining to the SES. The emergency response plan is subject to the approval or approval with conditions by the Township Board. If it is determined by the Township Board, with the advice of the relevant emergency responders, that the Township's resources are insufficient to adequately respond to and control a fire or other emergency at the SES, then the Township Board shall require the applicant to pay the Township, prior to construction, for the cost of supplemental fire or emergency response services, employees, specialized emergency response equipment, or additional training to adequately protect the Township and its residents from a potential emergency at the SES.
- (x) **Complaint Resolution:** An applicant must provide until the Large Solar Energy System is decommissioned a complaint resolution process to resolve citizen complaints related to a project, which: (1) allows residents to make complaints to the operator of the project; (2) provides a publicly available form to make complaints, an e-mail address, and phone number operated by the project owner or operator during business hours so residents can make complaints; (3) reports complaints and resolutions to complaints to the Township Clerk on a quarterly basis.
- (y) **Continuing Security and Escrow:** If a Large Solar Energy System is approved for construction and maintenance and the applicant is granted a SESP under this section, an applicant shall be required to post continuing security with the Township Clerk and a continuing escrow deposit with the Township Treasurer prior to commencement of construction, which shall remain in effect until the SES has been finally decommissioned, as provided below:
  - 1. *Continuing Restoration Security:* If a Large Solar Energy System is approved and the applicant is granted a SESP pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or a surety bond acceptable to the Township, which will be furnished by the applicant to the Township Clerk in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township Board may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Large Solar Energy System has been approved and the applicant is granted a SESP, but before construction commences of the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined

by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township Board shall inform the Township Board in the event that the Large Solar Energy System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township Board with the security described by this section, along with relevant contact information.

2. *Continuing Compliance and Enforcement Escrow Deposit:* A continuing escrow deposit shall be held by the Township Treasurer and shall be funded in cash in an amount to be determined by the Township Board by the applicant prior to the commencement of construction of a Large Solar Energy System and shall be maintained by the owner or operator until the SES has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township Treasurer shall be estimated by the Township Board to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of approval set forth herein, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that the Township Board determines are reasonably related to enforcement of the Ordinance. In no event may this continuing escrow deposit be less than \$10,000. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township Board may require the applicant to place additional monies into escrow with the Township Treasurer. The escrow account shall not be required to bear interest and any unspent funds will be returned to the applicant or subsequent project owner upon decommissioning of the project.
  3. *Continuing Obligations:* Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of this Ordinance, and will subject the Large Solar Energy System applicant, owner, and operator to all remedies available to the Township, including enforcement action under this Ordinance and revocation of the SESP.
- (z) **Completion of Construction:** The construction of a Large Solar Energy System must commence within a period of two (2) years from the date a SESP is granted for such system and must be completed within a period of four (4) consecutive years from the date a SESP is granted for such system. The Township may grant an extension not to exceed one (1) year. Failure to complete construction within the permitted time period shall result in the SESP being rendered null and void. Once construction is completed, the SESP vests for the life of the SES project, or until it becomes an Abandoned Solar Energy System or is otherwise decommissioned.

- (aa) **Transfer of Ownership/Operation:** Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township Board at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township Board of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that system until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established. All Ordinance requirements imposing obligations on an applicant shall also apply to any person or entity that owns or operates a Large Solar Energy System.
- (bb) **Inspection:** The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located for compliance with this Ordinance. The Township may hire one or more consultants to assist with any inspections, at the applicant's or owner's expense utilizing the continuing compliance and enforcement escrow deposit.
- (cc) **Issuance or Rejection of the Permit and Repowering / Amendments:** The Township Board shall, by resolution, after the application has been fully reviewed and the contents thereof approved or disapproved, grant or deny the application for a SESP. The Township Board may require changes to be made in the application to conform to the requirements of this Ordinance or impose reasonable conditions upon the construction or operation of the SESP before issuing a permit. In the event the application is denied, a written explanation for the denial shall be given. Should a person desire to make changes to a Large Solar Energy System in the Township (e.g., expand a project) or "repower" (i.e., in lieu of decommissioning replace project components to extend the life of a Large Solar Energy System) such a system, they must submit a new SESP application under this Ordinance, but may refer to previously submitted information to fulfill application requirements if applicable.

## **8.5 Nuisance Per Se and Solar Energy System Penalties.**

- (a) The installation, maintenance or operation of a Solar Energy System in the Township in violation of this Ordinance is hereby declared to be a public nuisance *per se*, and shall be deemed punishable by a municipal civil infraction as defined by Michigan law and violators are subject to civil fines of not more than \$500.00 for each day a violation continues, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including without limitation injunctive relief against such violations. Any Township official, employee, or applicable entity (e.g., the Ionia County Sheriff's Department) may issue a municipal civil infraction to a violator of this Ordinance.

- (b) The Township Board may, upon reasonable finding that a person is allegedly violating the terms of a SESP, may provide for a public hearing to address alleged violations of the SESP by providing the owner of the project mailing notice of such a public hearing at least 10 days' prior to the public hearing. If the Township Board, after holding a public hearing, finds that a owner or operator of a SESP has violated the terms of their SESP, they may: (1) revoke the SESP and require decommissioning of the Large Solar Energy System; (2) impose reasonable requirements for the owner or operator of the Large Solar Energy System to remedy violations of the SESP; or (3) impose additional conditions or require additional funds in escrow intended to remedy the violations of the SESP.

**8.6 Waivers:** Where there are practical difficulties or unnecessary hardships that unreasonably prevent the carrying out of the strict interpretation of this Ordinance, the Township Board shall have the power, upon a clear and convincing showing by the applicant, to waive or modify any of the rules, regulations or provisions of the Ordinance, by granting waivers, provided that any waiver granted from this Ordinance:

- (a) Will not be contrary to the public interest.
- (b) Will not cause a substantially adverse effect upon property values.
- (c) Will relate only to the property under the control of the applicant.
- (d) Will not jeopardize the preservation of a substantial right, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- (e) Will not impair or disrupt adjacent properties.
- (f) Will not increase the hazards from fire, flood or other natural or man-made dangers.
- (g) Will not produce nuisance conditions to occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibration, smoke or excessive light.
- (h) Will not otherwise impair the public health, safety and general welfare of the residents of Odessa Township.

**MOTION:** At a regular meeting of the Township Board of Odessa Township, Ionia County, Michigan, held at the Odessa Township Hall on 11-10, 2023, at 7:00 p.m., Township Board Member Rohrbacher moved to adopt the foregoing Ordinance, which motion was supported by Township Board Member Secor:

**ROLL CALL VOTE:**

YEAS: Williams, Rohrbacher, Barrone, Landill & Secor.  
NAYS: none  
ABSENT/ABSTAIN: none



ORDINANCE DECLARED ADOPTED.

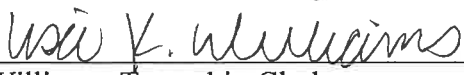
  
\_\_\_\_\_  
Gary P. Secor, Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Odessa Township Board at a duly scheduled and noticed meeting of that Township Board held on 11-6, 2023, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on 11-11, 2023.
3. Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ionia County Clerk on 11-13, 2023.

ATTESTED:

  
\_\_\_\_\_  
Lisa Williams, Township Clerk

**ODESSA TOWNSHIP**  
**NOTICE OF ADOPTION**  
**ORDINANCE NO. 30**

**ODESSA TOWNSHIP SOLAR ENERGY ORDINANCE**

On 11-6, 2023, the Odessa Township Board adopted the Odessa Solar Energy Ordinance, Ordinance No. 30, which regulates activities associated with creating electricity utilizing solar energy. The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Purpose; Section 3: Conflicts with Other Ordinances, Laws and Regulations; Section 4: General Responsibility; Section 5: Validity and Severability; Section 6: Effective Date, which is 30 days after publication of this notice of adoption; Section 7: Definitions; Section 8: Solar Energy; Section 8.1: SESP; Section 8.2: General Requirements for SES; Section 8.3: Small Solar Energy Systems; Section 8.4: SESP Standards and Requirements; Section 8.5 Nuisance Per Se and Solar Energy System Penalties; and Section 8.6: Waivers. A true copy of the Ordinance is available for inspection and may be obtained at the offices of Odessa Township, 3862 Laurel Drive (PO Box 566), Lake Odessa, MI 48849 during ordinary business hours. Please utilize the contact information below to arrange an appointment to obtain a copy of the Solar Energy Ordinance.

Lisa K. Williams  
Odessa Township Clerk  
Phone: 616-374-4237  
Web: [www.odessatownship.org](http://www.odessatownship.org)  
E-mail: [clerk@odessatownship.org](mailto:clerk@odessatownship.org)

Publication Date: 11-11, 2023.