# Town of Milbridge
# Solar Energy System Ordinance

Synopsis: Ordinance to allow solar systems subject to setback, height, screening, maintenance, safety and decommissioning requirements, subject to Planning Board approval.

**Whereas the Town of Milbridge deems it in the best interest of its citizens to enact a Solar Ordinance.**

**Now Therefore the Town of Milbridge does ordain as follows:**

**Section 1. Title**
This ordinance shall be known and may be cited as the "Town of Milbridge Solar Energy System Ordinance".

**Section 2. Purpose**
The purpose of this ordinance is to allow solar energy systems subject to setback, height, screening, maintenance, safety and decommissioning requirements, subject to Planning Board approval.

**Section 3. Applicability**
A. This ordinance shall apply to Ground Mounted Solar Energy Systems and Roof Mounted Solar Systems, applications filed with the Planning Board after July 12, 2023.

B. This ordinance shall only authorize by permit ground mounted or roof mounted solar energy systems directly connected to a residence or a business to be installed in the Town of Milbridge.

**Section 4. Definitions**
Solar Energy System: a facility whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

Ground Mounted Solar Energy Systems: For purposes of this ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size base on total airspace projected over the ground equal to or less than 2,500 square feet.

Roof Mounted Solar Energy Systems: for the purposes of this Ordinance: a Solar Energy Systems is mounted either on a residential roof or a business roof.

**Section 5. Dimensional Requirements**
A. Ground Mounted Solar Energy Systems will not exceed 25 feet in height.

B. Minimum front setback shall be 50 feet, minimum side setback shall be 50 feet and minimum back setback shall be 50 feet. No setback requirements for roof mounted.

C. Lot coverage for ground mounted solar energy systems shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels as long as the area under the panels remains vegetated.

**Section 6. Screening, Security, Maintenance and Regulatory Compliance**
A. Subject to the approval of the Milbridge Planning Board, the lots on which ground mounted solar energy systems are located shall be buffered from roads and residences by plantings, berms, and natural topographical features.

B. Subject to approval of the Milbridge Planning Board, the lots on which ground mounted solar energy systems are located shall be protected by a perimeter fence. One or more signs shall be affixed to the fence identifying the owner of the facility and emergency contact information.

**Section 7. Performance Guarantee**
After the plan is approved but before a permit is issued, the applicant for a ground mounted solar energy system shall submit to the Town of Milbridge a performance guarantee in the amount of 50% of an appraised estimated demolition cost of the system by an engineer knowledgeable of solar systems. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

**Section 8. Decommissioning of Removal**
A. Any ground mounted 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 Milbridge Planning Board during the application process. The owner shall have the system removed no more than 180 days after the date of discontinued operations. The owner 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) stabilize or re-vegetation of the site as necessary to minimize erosion.

C. If the owner of a ground mounted Solar energy system fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Milbridge retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

**Section 9. Authority**
A. This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A, M.R.S. § 3001, *Ordinance Power,* and the provisions of 30-A, M.R.S. § 4352, *Zoning.*

B. To the extent that any provisions 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.

**Section 10. Effective Date and Duration**
This ordinance shall take effect on July 12, 2023 upon enactment by the Town of Milbridge unless otherwise provided and shall remain in effect until it is amended or repealed.

**Section 11. Enforcement Violations and Penalties**
This ordinance shall be enforced by the municipal officers or their designee. Violation of this ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, *Enforcement of Land Use Laws and Ordinances.*

Attest:
I, Judy Rolfe, Town Clerk of Milbridge, Maine certify that this is a true copy of the Town of Milbridge Solar Energy System Ordinance, on file at the Milbridge Town Office in Milbridge Maine.

Judy Rolfe, Town Clerk

Effective Date: July 12, 2023 Approved by the voters