

Town of Sidney  
Solar Energy Systems  
Ordinance

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

Whereas the Town of Sidney deems it in the best interest of its citizens to enact a Solar Energy Systems Ordinance.

Now Therefore the Town of Sidney does ordain as follows:

Section 1. Title

This Ordinance shall be known and may be cited as the “Solar Energy Systems Ordinance”.

Section 2. Purpose

The purpose of this Ordinance is to allow solar farms in rural areas 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 applications filed with the Planning Board after March 23, 2024, for site plan review pursuant to Section 1301 et seq.

B. This Ordinance shall authorize Ground Mounted Solar Energy Systems to be installed only in the Town of Sidney.

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 System: for purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) that is not directly connected to a single residential structure.

Large-Scale Solar Energy System: A solar energy system whose physical size based on total airspace projected over the ground equal to or greater than 7 acres (304,920 square feet) and that generates a nameplate capacity of 1 mega-watts (mw) or greater.

Medium-Scale Solar Energy System: A solar energy system whose physical size based on total airspace projected over the ground equal to or greater than 20,000 square feet but less than 7 acres (304,920 square feet), and that generates a nameplate capacity of 125 kilowatt (kw) to 1 mw.

Small-Scale Solar Energy System: A solar energy system whose physical size based on total airspace projected over the ground is less than 20,000 square feet and that generates a nameplate capacity of about 125 kw or less. A small-scale system typically is an accessory use to a principal use on the property.

Section 5. Dimensional Requirements

A. Ground Mounted Solar Energy Systems will not exceed 25 feet in height.

B. Minimum road setback shall be 100 feet from the center of the traveled way, minimum side setback shall be 40 feet and minimum back setback shall be 40 feet from property lines. Service roads that are used to access and maintain the system are not held to the setback requirements.

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 Sidney Planning Board, the lots on which Large- or Medium-Ground Mounted Solar Energy Systems are located shall be buffered from roads and residences by plantings, berms, and natural topographical features. The applicant shall plant and maintain vegetated roadside buffers and replace any dead buffer plantings within one year of the vegetation dying.

B. Subject to the approval of the Sidney 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. Restoration of the site shall follow provisions set in ME Title 35-A, M.R.S. § 3495, *Standards*

C. For purposes of emergency services, the owner or operator of a Large- or Medium- Ground Mounted Solar Energy Systems shall provide a copy of the project summary, electrical schematic, and site plan to the Sidney Fire Chief, prior to the issuance of a building permit. Upon request, the owner or operator shall cooperate with the Fire Department in developing an Emergency Response Plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation.

D. The owner or operator of a Ground Mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include but not be limited to painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the Sidney Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.

E. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances. An annual maintenance report shall be provided to the Code Enforcement Officer to include any changes, damages, and/or repairs to the system and steps taken.

#### Section 7. Performance Guarantee & Financial Capacity

A. After the plan is approved but before a permit is issued, the applicant for a Large- or Medium-Ground Mounted Solar Energy System shall submit to the Town of Sidney a performance guarantee in the amount of 150% of the applicant's estimated decommissioning cost of the system, subject to a review of such cost by the Code Enforcement Officer. 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 and Removal

A. Large and Medium Ground Mounted Solar Energy Systems that have reached the end of useful life, ceases to generate power or has been abandoned shall be removed pursuant to the decommissioning plan approved by the Sidney Planning Board during the application process. The 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 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, re-vegetation, and remediation of the site as necessary. 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.

C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.

D. If the owner or operator 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 Sidney 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.

E. The decommissioning plans for Large and Medium-Scale Systems must be approved by the State in order to obtain a building permit from the Code Enforcement Officer.

#### 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 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.

#### Section 10. Effective Date and Duration

This Ordinance shall take effect on March 23, 2024, upon enactment by the governing body for the Town of Sidney 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*.

#### Section 12. Application & Permit Fee

A. Application Fee:

- 1) Solar Energy System, Large-Scale. The Application fee is \$3,000.
- 2) Solar Energy System, Medium-Scale. The Application fee is \$1,000.
- 3) Solar Energy System, Small-Scale. The Application fee is the standard building permit fee.

B. Permit Fee is \$.05 per square foot of panel installed. Permit will not be issued until the decommissioning plan has been approved by the State and provided to the Code Enforcement Officer.

Effective Date: March 23, 2024