

STATE OF ILLINOIS :  
COUNTY OF LIVINGSTON :  
CITY OF FAIRBURY :

Ordinance No. 2023- 13

AN ORDINANCE ADDING CHAPTER 19  
OF THE MUNICIPAL CODE OF THE CITY OF FAIRBURY OF 1982  
IN RELATION TO SOLAR ENERGY

Whereas, the City of Fairbury adopted its Municipal Code Book in 1982, and

Whereas, the Municipal Code Book contains ordinances which govern the operation of the City of Fairbury, and

Whereas, of the Municipal Code Book does not include an ordinance regarding solar energy

Whereas, it is necessary to add a chapter regarding solar energy

NOW, THEREFORE, be it ordained by the City Council of the City of Fairbury, Livingston County, Illinois as follows:

SECTION I

Chapter 19 of the Municipal Code Book of the City of Fairbury of 1982 shall read,

**CHAPTER 19**  
**CITY OF FAIRBURY SOLAR ENERGY CODE**

**19-.01 SHORT TITLE.** This section may be cited as the Solar Energy Code.

**19-.02 PURPOSE.** The purpose of this section is to facilitate the construction, installation, and operation of solar energy systems in the City of Fairbury in a manner that promotes economic development and ensures the health, safety, and welfare of the public while also avoiding adverse impacts on adjoining property owners or the environment.

**19-.03 APPLICABILITY.** This division does not apply to any solar energy system with solar panels that, in the aggregate, do not exceed four square feet.

**19-.04 DEFINITIONS.** As used in this division:

- A. **Accessory Structure.** A structure or use that is on the same lot with, incidental to, and subordinate to the main or principal structure or use, and that is used for purposes customarily incidental to the main or principal structure or use.
- B. **Building Integrated Solar Energy System.** A solar energy system that integrates photovoltaic modules into the building structure, such as the roof or façade, and that does not alter the relief of the roof.
- C. **Commercial Solar Energy System.** A solar energy system that is not a private solar energy system.
- D. **Zoning:** Refers to the City of Fairbury Zoning Board.
- E. **Ground Mounted Solar Energy System.** A Solar energy system that is directly installed onto the ground and is not attached or affixed to any existing structure.

- F. Owner. The owner of the property on which the solar energy system is located.
- G. Private Solar Energy System. A solar energy system that is an accessory structure and that is designed to serve through the electric meter only the occupants of the parcel on which it is located.
- H. Qualified Solar Installer. A trained and qualified electrical professional 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.
- I. Roof Mount Solar Energy System. A solar energy 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.
- J. Solar Energy System. Has the meaning set forth in section 10 of the Homeowner's Energy Policy Statement Act (765 ILCS 165-10).
- K. Zoning Code. Fairbury Zoning Ordinance set forth under Ordinance 714 and as amended thereafter.

### **19-.04 INSTALLATIONS ALLOWED AS A PERMITTED USE.**

- A. A private, roof mounted solar-energy system is allowed as a permitted use in the following zoning districts:
  - 1. "A" Country Estate District
  - 2. "R-1" (Single Family Residential District), "R-2" (Residential District), "R-2-A" (Residential District)
  - 3. "C" (Commercial District)
  - 4. "I" (Industrial District)
- B. A private, ground-mount solar-energy-system is allowed as a permitted use in the following zoning districts:
  - 1. "C" (Commercial District)
  - 2. "I" (Industrial District)
- C. Private, building integrated solar systems are permitted in all zoning districts as a permitted use.

**19-.05 PROHIBITED INSTALLATIONS.** Any solar energy system that is not allowed as a permitted use under section 19-.04 is prohibited.

**19-.06 NO RESTRICTION ON OTHER PROPERTIES.** The allowance of a solar energy system under this division will not be construed to restrict the use or improvement of any adjoining or other property owner from any allowed building, landscaping, or other accessory improvements, even if such improvements may diminish the function of said solar energy system.

### **19-.07 REQUIREMENTS FOR ALL SOLAR ENERGY SYSTEMS.**

- A. Regulatory Compliance. Each solar energy system requires a permit from Zoning. Each solar energy system must comply with all federal, state, and local laws, rules, and regulations, including, without limitation, all building codes, electrical codes, health and safety rules and regulations, environmental rules and regulations, and aviation rules and regulations.
- B. Reflection Angles. Reflection angles for solar collectors must be oriented in such a manner that they do not project glare onto adjacent properties or roadways.
- C. Visibility. Solar energy systems must be located in a manner to reasonably minimize view blockage to surrounding properties and to minimize shading of property to the north while still providing adequate solar access for collectors.
- D. Wiring Concealment. All wiring associated with the system must be underground, within the structure, or contained within a raceway that complements the site or the building materials of the principal structure.
- E. Installation. All solar energy systems must be installed by a qualified solar installer.
- F. Maintenance. All solar energy systems must be maintained and kept in good working order. If it is determined by Zoning that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended purpose for six consecutive months, the property owner will be given 90-day written notice to remedy or to remove the unit and all equipment.

#### **19-.08 REQUIREMENTS FOR PRIVATE SOLAR ENERGY SYSTEMS.**

- A. Height requirements for roof mount solar energy systems.
  - 1. The height of a roof mount solar energy system is measured from the roof surface on which the system is mounted to the highest edge of the system.
  - 2. A roof mount solar energy system may not cause a building to exceed the maximum allowed building height for the zoning district in which the system is located.
  - 3. Solar energy systems mounted on a pitched roof may not extend beyond six inches parallel to the roof surface of the pitched roof.
  - 4. In Residential and Country Estate zoning districts, solar energy systems mounted on a flat roof must be concealed by a parapet. In Industrial and Commercial districts, solar energy systems mounted on a flat roof may not extend beyond four feet parallel to the roof surface of the flat roof.
- B. Height Requirements for Ground Mount Solar Energy Systems.
  - 1. The height of a ground mount solar energy system is measured from the grade at the base of the pole or other mounting structure to the highest edge of the system at maximum tilt.
  - 2. Ground mount systems are only permissible within Commercial and Industrial zones. They may not exceed four feet in height or (ii) within 100 feet from the property line of any single or multiple-family residence.
- C. Size and Setback Requirements.

1. For roof mount solar energy systems, the total square footage of the system panels may not exceed the total area of the roof surface of the structure to which the system is attached. The panels and mounting devices may not extend beyond the perimeter of the building on which the system is mounted, but roofing tiles and shingles may extend to the edge of the roof eaves.
2. System panels mounted on the sides of building and serving as awnings are considered to be building integrated systems and will be regulated as structures and follow zoning for said district installed.
3. Ground mount solar energy systems must meet the accessory structure setbacks for the zoning district in which the system is located.
4. Ground mount solar energy systems may not extend into a setback at any design tilt.

### **19-.09 REQUIREMENTS FOR COMMERCIAL SOLAR ENERGY SYSTEMS.**

A. Site Plan Required. A permit application for a commercial solar energy system must include a site plan with existing conditions showing all of the following:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and the current uses of those properties. All commercial solar energy systems must be located on a recorded lot of record.
2. All ingress and egress routes that will be used for the construction and maintenance purposes.
3. The location and size of any abandoned wells or sewage treatment systems.
4. Existing buildings and impervious surfaces.
5. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
6. Existing vegetation (list type and percent of coverage: i.e., cropland/plowed fields, grassland, wooded areas, etc.).
7. Any delineated wetland boundaries.
8. A copy of the current FEMA FIRM maps that shows the subject property including the 100-year flood elevation and any regulated flood protection elevation, if available.
9. Surface water drainage patterns.
10. Storm water detention, erosion control, and storm sewer drainage accommodations in accordance with City Code. Ground areas covered by solar panels and equipment will be considered impervious areas, and the runoff coefficient ("C" value) for storm-water design will be 0.95, regardless of the ground-surface under the solar panel and equipment.
11. The location of any subsurface drainage tiles.
12. Location and spacing of the solar collector.
13. Location of underground and overhead electric lines connecting the solar farm to a building, substation or other electric load.
14. New electrical equipment other than at the existing building or substations that is to be the

connection point for the solar farm.

- B. Manufacturers' Specifications. A permit application for a commercial solar energy system must include all manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems and foundations for poles and racks.
- C. Connection and Interconnection. A permit application for a commercial solar energy system must include all of the following:
  - 1. A description of the method of connecting the solar array to a building or substation.
  - 2. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- D. A permit application for a commercial solar energy system must include a fire-protection plan for the construction and the operation of the facility, and emergency access to the site.
- E. Setbacks. Zoning Code setback rules apply.

#### **19-.10 DECOMMISSIONING A COMMERCIAL SOLAR ENERGY SYSTEM.**

- A. If a solar energy system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational. A nonoperational commercial solar energy system is hereby deemed to be a public nuisance.
- B. A permit application for a commercial solar energy system must include a decommissioning plan for the anticipated service life of the commercial solar energy system or in the event the system is abandoned or has reached its life expectancy. If the system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational, and the decommissioning and removal of that system will commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the system must be prepared by a professional engineer or contractor who has expertise in the removal of the solar energy system. The decommissioning cost estimate must explicitly detail the cost before considering any projected salvage value of the out of service solar farm. A restoration plan must also be provided for the site with the application. The decommissioning plan must include the removal of the following within six months after the system became non-operational:
  - 1. All solar collectors and components, above ground improvements and outside storage.
  - 2. Foundations, pads and underground electrical wires at reclaim site to a depth of four feet below ground surface.
  - 3. Hazardous material from the property and dispose in accordance with federal and state law.
- C. Prior to any installation, the owner shall provide to the City a surety instrument in the amount of the cost estimate set forth under 19-.10(B.). The surety instrument must be in the form of a surety bond, letter of credit, or cash bond and be in a form and manner acceptable to Zoning. The surety instrument must provide the security to the City if the owner fails to decommission the system in accordance with the decommissioning plan.

- D. If the owner fails to decommission the system as required under the decommissioning plan, then, upon reasonable notice, the City or its agents may enter the property to complete the decommissioning with the reasonable cost to be paid by the owner.

### **19-.11 LIABILITY INSURANCE.**

- A. The owner of a commercial solar energy system shall, at all times the system is located at the site, maintain a general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$5 million in the aggregate.
- B. All policies, except policies for professional liability, must be written on an occurrence basis. All policies must be written with insurance carriers who are qualified to do business in the State of Illinois and who are rated A-VII or better in the latest Best's Key Rating Guide. All policies must be written on the most current Insurance Service Office (ISO) or National Council on Compensation Insurance (NCCI) form or a manuscript form if coverage is broader than the ISO or NCCI form.
- C. The City of Fairbury and its officers and employees must be named as an additional insured party on the general-liability policy. The City's interest as an additional insured party must be on a primary and non-contributory basis on all policies and be noted as such on the insurance certificates. City has a right to request proof of insurance at any time.
- D. The policy must give the City at least 30 days' notice prior to any change, cancellation, or non-renewal except in the case of cancellation for non-payment of premium, in which case the notice must be made 10 days before the cancellation. Any renewal certificate of insurance must be automatically provided to the City at least 30 days prior to the policy expiration. If a self-insured retention or a deductible is maintained on any of the policies, then the amount of the retention or deductible is subject to approval by the City; the City may not unreasonably withhold the approval.
- E. Prior to any work at the site, the owner shall provide the City with certificates of insurance showing evidence that the insurance policies required under this section are in full force and effect.

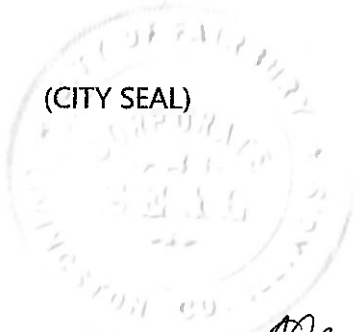
SECTION II

This ordinance shall be effective after passage by the City Council of the City of Fairbury, Illinois, and its approval by the Mayor of the City of Fairbury, Illinois, and its publication in pamphlet form as required by law.

Passed by the City Council of the City of Fairbury, Illinois on December 6, 2023.

Ayes: 7 Nays: 0 Absent: 1

Approved by the Mayor of the City of Fairbury, Illinois on December 6, 2023.



(CITY SEAL)

Attest: *Deborah Annis*  
City Clerk

*[Handwritten Signature]*  
Mayor