

**INGHAM TOWNSHIP  
INGHAM COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_**

**ORDINANCE AMENDING THE INGHAM TOWNSHIP ZONING ORDINANCE  
TO REGULATE SOLAR ENERGY SYSTEMS**

At a meeting of the Township Board of Ingham Township, Ingham County, Michigan, (“Township”) held at the Township Hall on May 15, 2023 at 7:00 p.m., Township Board Member \_\_\_\_\_ moved to adopt the following ordinance, which motion was seconded by Township Board Member \_\_\_\_\_.

*An Ordinance to amend the Ingham Township Zoning Ordinance to define and regulate the development and use of Solar Farm Energy Systems, Small Solar Energy Systems, and other Solar Energy Systems within the Township.*

**THE TOWNSHIP OF INGHAM ORDAINS:**

**ARTICLE 1: AMENDMENT TO ARTICLE TWO, SECTION 202 OF THE ZONING ORDINANCE.** Section 202 of the Ingham Township Zoning Ordinance (the “Township Zoning Ordinance”) shall be amended to add the following definitions:

**Clear-Cutting:** Cutting down or clearing all or most of the forestry and vegetation in an area so that minimal ground cover remains.

**Concentrated Solar Glare:** A continuous source of bright light over a minimum 60 second timeframe reflecting or refracting off a surface in a Solar Farm Energy System or Small Solar Energy System.

**Marginal Farmland:** Land that is not Prime Farmland.

**Photovoltaic Device or Solar Panel:** A system of components that generate electric energy from sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.

**Prime Farmland:** Land designated by the United States Department of Agriculture or other applicable governmental entity that has the best combination of physical and chemical characteristics for producing food, fiber, feed, forage and oil seed and is also available for those uses; land having the soil quality, growing season and moisture supply needed to produce economically sustained high yield crops when treated and managed according to acceptable farming methods.

**Solar Array:** Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

**Solar Energy System, Abandoned:** Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of twelve months.

**Solar Farm Energy System:** A utility-scale solar energy system, including batteries, inverters, and accessories, where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion 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 per day.

**Solar Glare:** See “Concentrated Solar Glare.”

**Small Solar Energy System:** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal or agricultural consumption by a single end user at the same property upon which the solar energy system is located, or otherwise with a generating capacity of less than 25 Kw per day.

**ARTICLE 2. AMENDMENT TO ARTICLE THREE, SECTION 312, PERMITTED USES:** Zoning Ordinance Article Three, Section 312, Permitted Uses, is amended to add “Small Solar Energy System” as a permitted use in all districts.

**ARTICLE 3: AMENDMENT TO ARTICLE THREE OF THE ZONING ORDINANCE, TO ADD SECTION 314, SOLAR ENERGY OVERLAY DISTRICT:** Zoning Ordinance Article Three shall be amended to add Section 314, Solar Energy Overlay District, providing as follows:

A. Purpose

The Solar Energy Overlay District is intended to provide for Solar Energy Systems within appropriate open spaces within the Township while preserving and protecting primary agricultural land within the Township.

B. Solar Energy Overlay District

The Solar Energy Overlay District is established and may be located as an overlay district over portions of the Agricultural Enterprise District, AG, as may be designed by the Township under the Michigan Zoning Enabling Act. Land located within such overlay district may be developed according to the provisions of the underlying zoning district or according to the provisions of this Section.

C. Uses Permitted by Special Use Permit

1. Solar Farm Energy System

D. Required Notice for Solar Farm Energy Systems

In order to facilitate public notice and the unique nature of large Solar Farm Energy Systems, an applicant or property owner of any property considered for a Solar Farm Energy System shall erect on each parcel a sign or signs in a place clearly visible and available to the public at least 15 days before a public hearing on the request describing the nature of the request; the address of the property subject to the request, if any; and the date, time, and place of the public hearing. The Township will mail notice with the information under this subsection to all property within one (1) mile of the property line of the proposed Solar Farm Energy System to the address as shown on the most recent assessment roll.

**ARTICLE 4: AMENDMENT TO ARTICLE 402, TO ADD SECTION 402.13 SOLAR ENERGY SYSTEMS.** The Township Zoning Ordinance Article 4 is amended to add Section 402.13, entitled “Solar Energy Systems” and shall read as follows:

**Section 402.13 Solar Energy Systems.** All solar energy systems shall comply with the following regulations and requirements:

**A. All Solar Energy Systems.** All solar energy systems shall comply with the following requirements.

1. Each system shall be fitted with an automatic shut off or breaker switch as approved by the Township Zoning Administrator, the Township Supervisor, or Township Engineer.
2. All solar energy systems shall be able to be de-energized and isolated in case of fire.
3. All solar energy systems shall use tempered or other non-reflective surfaces to the extent possible.

**B. Small Solar Energy Systems.**

1. Ground Mounted Systems

- i. Any Small Solar Energy System mounted on the ground must be securely mounted and shall comply with those requirements applicable to an accessory structure under the requirements applicable to an accessory building within the zoning district in which the Small Solar Energy System is located.

- ii. Small Solar Energy Systems may be located in the front or side yard upon submission of an adequate sketch site plan and good cause shown to the zoning administrator.
- iii. Small Solar Energy Systems shall be set back at least 100 feet from the front lot line and at least 25 feet from all other lot lines.
- iv. Maximum height of a ground-mounted Small Solar Energy System shall not exceed fifteen (15) feet measured from the natural grade to the top of the system when oriented at maximum tilt.
- v. All power transmission lines from a ground-mounted Small Solar Energy System to any building or other structure shall be located underground.

## 2. Building or Roof mounted Systems

- i. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that the Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Small Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Small Solar Energy System is located.
- ii. Any Small Solar Energy System mounted on the roof of a building must be installed within the edges of the roof, the peak, the eave, or the valley.
- iii. Any Small Solar Energy System mounted on the roof of a building shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.
- iv. Applicant shall show that the system is adequately and securely mounted to the building and that the building has the capability of supporting the solar energy system.

3. All Small Solar Energy Systems must conform to all applicable federal, state, and county requirements, in addition to other applicable Township Ordinances.

4. Small Solar Energy Systems shall not be constructed or installed in a manner which unreasonably interferes with adjacent properties.

5. All Solar Energy Systems must be installed in a manner ensuring that solar glare shall not be directed onto nearby properties or roadways.
6. Any Small 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 building and electrical codes.
7. An Abandoned Small Solar Energy System shall be removed by the property owner within six (6) months.
8. Noise Emissions: The noise generated by a Small Solar Energy System must not exceed 40 dB(A) Leq 1 second or 50 dB(C) Leq 1 second, as measured at the property line of any adjacent non-participating parcel.

### **C. Solar Farm Energy Systems.**

1. Purpose and Intent: The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Solar Farm Energy Systems as a Special Land Use. All Solar Farm Energy Systems require a Special Land Use Permit and site plan approval.
2. Appropriate Districts: Solar Farm Energy Systems shall be permitted by special use permit in the Solar Energy Overlay District.
3. Site Plan Drawing and Supporting Materials: All applications for a Solar Farm Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying or containing the following information (in documents separate from the site plan drawings when appropriate), in addition to the information required for other special land use permits:
  - i. *Site Plan*. A site plan which includes all lot lines and dimensions, including a legal description of each lot or parcel comprising the Solar Farm Energy System.
  - ii. *Owners*. Names of owners of each lot or parcel within the Township that is proposed to be within the Solar Farm Energy System.
  - iii. *Vicinity Map*. Vicinity map showing the location of all surrounding land uses.
  - iv. *Height of All Structures*. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security

fencing, and all above-ground structures and utilities associated with the Solar Farm Energy System.

- v. *Scale Drawings*. Horizontal and vertical (i.e. 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.
- vi. *Transmission Lines*. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Solar Farm Energy System and within 1,000 feet of the outside perimeter of the Solar Farm Energy System.
- vii. *Setbacks*. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Solar Farm Energy System.
- viii. *Access Driveways*. Access driveways within and to the Solar Farm Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to the Ingham County Road Department or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
- ix. *Water Flow*. A written description of measures to be taken to support the flow of rainwater throughout the Solar Farm Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff as compared to before construction of any improvements. The measures shall be subject to the approval of the Ingham County Drain Commissioner.
- x. *Security Measures*. 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 Solar Farm Energy System.
- xi. *Maintenance Program*. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Solar Farm 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 Solar Farm Energy System becomes obsolete, uneconomic, or an Abandoned Solar Energy System.

- xii. *Environmental Impact.* An Environmental Impact Study, commissioned at the Applicant's own expense, which examines any impact that the solar array may have on local wildlife, water, natural resources, and existing farmland. The study shall include, but not limited to, a review of the following factors:
  - 1. Impact on area water resources;
  - 2. Impact on air quality;
  - 3. Noise impacts caused by the Solar Farm Energy System;
  - 4. Impact on utilities and infrastructure;
  - 5. Protection of neighboring property owners and children;
  - 6. Impact on wildlife specifically including impacts on wildlife corridors for animals to migrate around the Solar Farm Energy System;
  - 7. Impacts on hunting;
  - 8. Effects on floodplains and wetlands;
  - 9. Unique farmlands or soils;
  - 10. A geotechnical report prepared by a professional engineer licensed in the State of Michigan which shall include geotechnical soil borings demonstrating the in-situ soil conditions prior to the proposed development;
  - 11. Areas of aesthetic or historical importance;
  - 12. Archeological or cultural concerns; and
  - 13. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
- xiii. *Ground Cover Program.* Ground cover vegetation establishment and management plan, including invasive plant species and noxious weed control.
- xiv. *Farmland Impacts.* A written analysis of the Solar Farm Energy System's impact on farmlands that:

1. Expressly identifies the acreage of the proposed project that is located on Prime Farmland and Marginal Farmland and indicates how the applicant intends to preserve use of Prime Farmland.
  2. Outlines the condition of private drain tile on any lands to be used for the project and specifies a plan to make any repairs to private drain tile caused by construction and operation of the project.
  3. Develops a plan to utilize lands not under project improvements (e.g., fencing or Solar Array) to be continued to be used for agricultural purposes, if applicable, such as continued growth of row crops.
- xv. *Safety Measures.* A copy of the manufacturer's safety measures of components of the Solar Farm Energy System
- xvi. *Lightning Protection.* Planned lightning protection measures.
- xvii. *Project Life.* Information indicating how long the Solar Farm Energy System is planned to operate before decommissioning or repowering.
- xviii. *Provider Contract.* If applicable, a written contract with any energy provider or other purchaser of the energy produced by the Solar Farm Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Michigan law.
- xix. *Complaint Resolution.* A written complaint resolution plan that will be utilized by the owner or operator of the Solar Farm Energy System that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the Solar Farm Energy System related to violations of the Zoning Ordinance or any zoning approvals. Such process must: (1) include a form available to the public to submit complaints which shall also be made available online and be provided to the Township for distribution to residents; (2) require reporting of complaints and resolutions to the complaints to the Township Clerk on a monthly basis; (3) require resolutions to complaints within 30 days unless unfeasible; and (4) not require a deposit from either a complainant or the Township for the owner or operator to investigate a complaint related to compliance with the Zoning Ordinance or a zoning approval.
- xx. *Solar Glare.* A solar glare study such as a glint and glare assessment that is prepared by a professional engineering firm or other qualified third-party

expert that analyzes whether glare will be directed by the Solar Farm Energy System onto any nearby properties or roadways.

- xxi. *Visual Impact.* A visual impact analysis prepared by a third-party qualified professional that analyzes the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) after construction.
  - xxii. Any other information as required by the special land use requirements of the Zoning Ordinance, or as required by the Township Planning Commission or Township Board.
4. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a special land use permit for a Solar Farm Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special land use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special land use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special land use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
  5. Applications: In addition to special use permit application and processing requirements, applications under this subsection shall be submitted to both the Township Zoning Administrator and the Township Supervisor.
  6. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Solar Farm Energy System shall comply with the National Electric Safety Code and the state construction codes as a condition of any special land use permit under this section.
  7. 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.

8. Lot Size: A Solar Farm Energy System shall be located on one or more parcels with an aggregate area of 5 acres or greater.
9. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet measured from the natural grade at the base of the Solar Array to the top of the system when oriented at maximum tilt. Other collection devices, components or buildings of the Solar Farm Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, 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 measured.
10. Setbacks: The following minimum setbacks, measured from the outside edge of the solar panel, or other structure accessory to a Solar Farm Energy System, shall be required. The setbacks listed below shall apply to all structures accessory to a Solar Farm Energy System.
  - i. From the lot line abutting a lot that is not participating in the solar project and does not contain a residential dwelling unit: 50 feet.
  - ii. From a residential dwelling unit existing at the time of Special Use approval for the Solar Farm Energy System: 300 feet from all property lines of a non-participating lot containing a dwelling unit. In a case where a Solar Farm Energy System already exists, and a landowner proposes to build a dwelling unit nearby, this setback shall not be applied to the dwelling unit.
  - iii. From a public or private roadway: 50 feet, or the required front setback for the zoning district in question, whichever is greater.
  - iv. There shall be no setback requirement from the lot line of a participating parcel. However, if any solar panel structures are proposed to be placed such that the panel and/or the support structure crosses a property line, the lease agreements for the parcel in question must be submitted to the Township for review and determination of whether the agreement creates any legal, planning, or safety hazard for the Township or its residents. If the agreement does not create a hazard, in the opinion of the Township Board, the agreement to allow a structure to cross property lines shall be approved.
11. Lot Coverage and Maximum Size: A Solar Farm Energy System shall have a maximum lot coverage of 50% or 50 acres, whichever is less, on any lot.

12. Battery Storage and Inverters.

- i. Inverters and battery storage buildings must be set back at least 1,000 feet from the lot lines of non-participating lots and at least 200 feet from the lot lines of participating lots.
- ii. Battery storage buildings must include secondary containment around all batteries. Individual battery storage buildings must be setback from other battery storage buildings by at least 300 feet.
- iii. Disconnects, emergency stops, or other systems shall be installed to allow isolation of the Solar Farm Energy System from any battery storage device or system as recommended by the IAFC or other credentialed body acceptable to the Township.
- iv. The battery storage buildings may be required to be sprinkled with a minimum of 5,000 gallons on-site water. Additional water with required fire department connections may be required on-site for the use of firefighting personnel as determined by the Township.
- v. Additional vegetation or other screening may be required to increase security, speed fire response, or minimize visual impact off-site.

13. Security: A Solar Farm Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least eight feet in height as measured from the natural grade of the fencing perimeter and the fence must include fabric screening or be of a solid material to conceal the sight of improvements within the fence from outside the fence. Electric fencing is not permitted. Security measures shall be designed to mitigate wildlife and environmental impacts where possible.

14. Screening: The Solar Farm Energy System perimeter shall be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Solar Farm Energy System's entire perimeter from adjacent parcels, subject to the following requirements:

- i. 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 all Solar Farm Energy Systems.

- ii. The evergreen or native vegetative buffer shall be at least 25 feet in width and 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.
  - iii. Unhealthy or dead trees shall be replaced within three (3) months, or the next appropriate planting period, whichever is sooner.
  - iv. Nothing contained herein shall be construed to prevent reasonable access to any Solar Farm Energy System as approved by the special land use permit.
  - v. All plant materials shall be installed between March 15 and October 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit or cash escrow deposit 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 completion of all plantings, the Township shall return the financial guarantee, less any amounts to complete plantings.
  - vi. Failure to maintain the evergreen vegetative buffer as required by this subpart shall constitute a violation of this Ordinance and is ground for revocation of any permit previously granted.
15. Noise Emissions: The noise generated by a Solar Farm must not exceed 40 dB(A) Leq 1 second or 50 dB(C) Leq 1 second, as measured at the property line of any adjacent non-participating parcel.
16. Glare and Glint: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways. Placement and construction of solar panels shall also reduce solar glare to less than 90 seconds over any 12 hour period and reduce solar glint to less than 15 seconds over any 12 hour period.
17. Lighting: All lighting, including but not limited to 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 not adversely affect driver visibility on adjacent public roads

18. 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 Solar Farm Energy System.
19. Completion of Construction: the construction of any Solar Farm Energy System must commence within a period of one (1) year from the date a special land use permit is granted and must be completed within a period of three (3) consecutive years from the date a special land use permit is granted.
20. No Clear-Cutting: A Solar Farm Energy System shall not clear-cut trees, shrubs, bushes, or similar vegetation. Ground cover vegetation shall be maintained for the duration of the Solar Farm Energy System.
21. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Solar Farm Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
22. Maintenance and Repair:
  - i. Each Solar Farm Energy System must be kept and maintained in good repair and condition at all times. Applicant shall keep all sites within the Solar Farm Energy System neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.
  - ii. If a Solar Farm Energy System is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including Solar Farm Energy System removal, in whole or in part, if needed. If the Township Zoning Administrator determines that a Solar Farm Energy System fails at any time to meet the requirements of this Ordinance and the special land use permit, or that it poses a potential hazard, the applicant shall shut down the Solar Farm Energy System within 48 hours after notice by the Zoning Administrator and not operate, start, or restart the Solar Farm Energy System until the condition has been corrected.
  - iii. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within thirty (30) days of a request for review. To assure compliance with this requirement, an annual audit of maintenance records and condition of the Solar Farm Energy System including an annual report, conducted by a qualified third-party

maintenance expert acceptable to the Township, shall be completed at the expense of the owner or operator of the Solar Farm Energy System and a copy of the report provided to the Township.

23. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Solar Farm Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either Ingham County Road Department or MDOT (as appropriate) and also the Township 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 Solar Farm Energy System or any of its elements.
  
24. Continuing Security and Escrow: If any Solar Farm Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to the commencement of construction, which shall remain in effect until the Solar Farm Energy System has been finally removed, as provided below:
  - i. Enforcement and Restoration Security. If a special land use permit is approved, then the Township Board shall require security acceptable to the Township in the form of a cash deposit, letter of credit, or surety bond, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township after a permit has been approved but before construction commences on the Solar Farm 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 Solar Farm Energy System. Such financial security shall be kept in full force and effect during the entire time that the Solar Farm Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Solar Farm Energy System approved by the Township shall inform the Township in the event that 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 with the security described by this section, along with relevant contact information.

- ii. Continuing Obligations. Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Solar Farm Energy System exists or is in place shall constitute a material and significant violation of the special land use permit and this Ordinance, and will subject the Solar Farm Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the special land use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
25. Transfer of Ownership/Operation: Prior to a change in the ownership or operation of a Solar Farm 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 at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Solar Farm 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 Solar Farm 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.
26. Annual Reports: The owner or operator of a Solar Farm Energy System shall provide the Zoning Administrator with annual reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by applicable law.
27. Conditions: In addition to the requirements of this Section, the Township Board may impose additional reasonable conditions on the approval of a Solar Farm Energy System as a special land use.
28. Recording of Conditions and Modifications: Any conditions and modifications approved by the Township Board shall be recorded in the Township Board's meeting minutes. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and authorized representative of the applicant. Once copy shall be kept on file by the Township Clerk and one copy shall be returned to the applicant's authorized representative.
29. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic 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 Solar Farm Energy System and all its components. The applicant shall prepare a decommissioning plan, agreement, and bond and for submittal to the Township Board for review prior to issuance of the special land use permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within six months (6) of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. In lieu of decommissioning, the Applicant or Operator may apply for repowering by submitting an application and site plan compliant with this Section.

30. Special Use Permit: In addition to the requirements under this section, any Applicant is required to comply with the application requirements and receive approval for a special use permit.

**ARTICLE 5 REPEAL.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**ARTICLE 6 SAVINGS CLAUSE.** The remainder of the Township Zoning Ordinance is unaffected. Except as expressly amended by this ordinance amendment, the rest of the Township Zoning Ordinance remains unchanged and in full force and effect.

**ARTICLE 7 SEVERABILITY.** Should a court of competent jurisdiction determine that any portion of this ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not effect any other portions of this ordinance amendment, which shall remain in full force and effect.

**ARTICLE 8 EFFECTIVE DATE.** This ordinance amendment shall become effective seven (7) days after this ordinance amendment or a summary thereof appears in the newspaper as provided by law.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED

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Bruce Harris, Supervisor  
Ingham Township

**CERTIFICATION**

I hereby certify that the above is a true copy of an ordinance was:

1. Adopted by the Ingham Township Board at the time, date, and place specified above pursuant to the required statutory procedures.
2. Published by summary following its adoption in the \_\_\_\_\_ newspaper, a newspaper that circulates within Ingham Township, on \_\_\_\_\_, 2023.
3. Recorded one (1) week after such publication 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; and
4. Filed as an attested copy with the Ingham County Clerk on \_\_\_\_\_, 2023.

Respectfully submitted,

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Kathy LaGrow, Clerk  
Ingham Township