

ORDINANCE No. 228

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF WODEN, IOWA, BY ADDING A NEW CHAPTER 148 PERTAINING TO SOLAR PANELS.

BE IT ENACTED by the City Council of the City of Woden, Iowa:

Section 1. Code of Ordinances of the City of Woden, Iowa, is amended by adding a new Chapter 148:

CHAPTER 148

SOLAR ENERGY SYSTEMS

148.01 Purpose

148.03 Permit Process

148.02 Definitions

148.04 Solar Energy System Requirements

148.01 PURPOSE. The purpose of this chapter is to provide regulations for construction, installation, and operation of solar energy systems in the city limits of Woden, Iowa.

148.02 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 1. Accessory Structure:** A structure which is on the same lot or parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.
- 2. Ground-Mounted Solar Energy System:** Solar energy system that is free standing, directly installed to the ground, and is not supported by any building, accessory, or dwelling. For the purposes of this chapter, solar powered lights used to illuminate exterior areas shall not be included in this definition.
- 3. Passive Solar Energy System:** A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via heat exchanger.
- 4. Principal Structure:** The main structure or building on a lot or parcel in which the primary permitted use by right occurs.
- 5. Roof-Mounted Solar Energy System:** A solar energy system mounted directly abutting the roof or as modules fixed to frames which can be tilted toward the south at an optimal angle.
- 6. Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

148.03 PERMIT PROCESS. All owners of residential or commercial property shall acquire a building permit (Section 155.03, Code of Ordinances) from the City of Woden and provide a shade report or equivalent documentation from a licensed solar installer prior to construction of solar energy systems. Those failing to acquire a building permit are subject to fines as noted in the code of ordinances (Chapter 3, Code of Ordinances).

148.04 SOLAR ENERGY SYSTEM REQUIREMENTS.

(A) **Height.** Roof-mounted solar energy systems in residential applications shall not be higher than 10 inches above the roof at any point. Ground-mounted solar energy systems in residential applications shall not exceed 15 feet in height from grade at total extended height.

(B) **Location.** The locations of ground mounted systems should avoid being in eyesight from the street. Roof-mounted systems must be placed on rear or side-facing roofs, which do not front any public street, unless a shade report or equivalent documentation from a licensed solar installer can be shown that such locations would be ineffective or impractical.

(C) **Setbacks.** Ground-mounted solar energy systems shall meet all set back requirements for the applicable zoning district for accessory structures. Roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(D) **Easements.** Solar energy systems shall not encroach on any platted public easement.

(E) **Screening.** Solar energy systems shall be screened from street view to the extent possible without reducing their efficiency. The applicant shall submit a landscaping plan with building permit application for ground-mounted solar energy systems.

(F) **Aesthetics.** All solar energy systems shall use colors that blend with the surrounding settings. Reflection angles from collector surfaces shall be oriented away from neighboring windows.

(G) **Maximum Area of unit.** The total size of all solar energy systems may not produce any amount of energy, addition to other alternative energy systems beyond the average annual consumption.

(H) **Building Permit Applications.** Building permit applications for ground-mounted solar energy systems shall be accompanied by standard drawings of the solar energy system structure, including the panels, base, and footings. For roof-mounted applications, standard drawings showing the capability of a roof to support such a proposal shall be submitted for review. An engineering analysis of the system showing compliance with the international Building Code and certified

by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

(I) Compliance with Federal Regulations. Solar energy systems must comply with applicable Federal regulations.

(J) Compliance with National Electric Code. Building permit applications for solar energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(K) General Requirements on Operation. The owner of a solar energy system shall defend, indemnify, and hold harmless the City of Woden and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the actions or omissions of the operator or the operator's contractors concerning the construction or operation of the solar energy facility without limitation, whether said liability is premised on contract or tort. Owner's submittal for a building permit for a solar energy system shall constitute agreement to defend, indemnify, and hold harmless the City of Woden and their officials.

(L) Maintenance. All solar energy facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all of the requirements in this section and permit conditions for a continuous six-month period.

(M) Safety.

1. Standards. Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC), the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), ASTM International, British Standards Institution (BSI), International Organization for Standardization (ISO), Underwriter's Laboratory (UL), the Solar Rating and Certification Corporation (SRCC) or other standards as Determined by the City Council.

2. Certification. Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation or other body as determined by the City Council. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

3. Utility Connections. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. Feeder lines, Utility connects, and any other feature shall have appropriate

markings, warnings, and safety features to prevent harm to persons, wildlife, or personal property

(N) Notice of Abandonment: The City of Woden may issue a Notice of Abandonment to the owner of a solar energy system that is deemed not meeting the requirements or conditions associated with the solar energy system for a continuous six-month period. The owner shall have the right to respond to the Notice within 30 days from receipt date. The Zoning Official shall withdraw the Notice and notify the owner that the Notice has been withdrawn should the owner provide satisfactory information that demonstrates the solar energy system has not been abandoned.

(O) Removal: If the solar energy system is determined to be abandoned, the owner, at their sole expense, shall restore site to original condition and vegetation restored within 120 days. This determination shall include the requirements or conditions associated with the solar energy system not being met for a continuous 6 month period.

Section 2. Repealer Clause. Any Ordinance provision, or part thereof, which differs or is inconsistent with this Ordinance is hereby repealed to the extent of said difference or inconsistency.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a Court of Competent Jurisdiction, such adjudication shall not affect the validity of the Ordinance as a whole, or any section provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval, posting and publication as required by law.

Passed by the Council this ____ day of _____, 2023, and approved this _____ day of _____, 2023.

ATTEST:

Paul Buns, Mayor

David Ewald, Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 2023.

David Ewald, City Clerk