

**ORDINANCE NO. 42, 4th SERIES**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE CHAPTER 152: BY ADDING SECTION 152.400 CONCERNING SOLAR ENERGY SYSTEMS WITHIN THE EAST GRAND FORKS CITY LIMITS AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

THE CITY OF EAST GRAND FORKS DOES ORDAIN AS FOLLOWS:

**SECTION 1:** The East Grand Forks City Code is amended to include the following:

**Sec. 152.400. - Solar energy systems.**

*(A) Purpose.* It shall be the purpose of this section to permit, as an accessory use, solar energy systems, while protecting the health, safety and welfare of city residents and the property interests of adjacent and surrounding land uses through appropriate zoning and land use controls.

*(B) Definitions.*

*(1) Building-integrated solar energy system.* A solar energy system that is directly integrated into the building by replacing typical building materials.

*(2) Ground-mounted solar energy systems.* A solar energy system that is installed directly onto the ground by means of brackets or poles.

*(3) Interconnection.* When a customer-owned solar energy system is connected to or has access to the electric grid.

*(4) Roof-mounted solar energy systems.* A solar energy system where the panels are mounted to a house or other building.

*(5) Solar energy system.* A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

*(6) Solar thermal system.* A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

*(C) Permitted accessory use.* *Roof-mounted solar energy systems* are allowable as an accessory use in all zoning districts. *Ground-mounted solar energy systems* are prohibited in residential districts and are a conditional use in all other zoning districts, subject to the following requirements:

*(1) Height.* Roof-mounted solar energy systems shall not project beyond the peak elevation of a pitched roof and shall not project more than 10 feet above the surface of a flat roof to which they are attached. Ground-mounted solar energy systems shall not exceed 20 feet in height or the height of the principal structure, whichever is less.

(2) *Location.* Ground-mounted solar energy systems must be in the rear yard only. Ground-mount systems' total collector area shall not exceed half the building footprint of the principal structure.

(3) *Setbacks.* Ground-mounted solar energy systems, at minimum design tilt, setback distance from property lines shall be equivalent to the setback requirements of the underlying district or as otherwise needed so as not to impair sight distance for safe access to the property or other traffic or properties in the vicinity. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Roof-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(4) *Feeder lines.* All power exterior electrical, or other service lines, must be buried below the surface of the ground.

(5) *Exemption.* Building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(6) *Standards.* Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.

(7) *Abandonment.* Any solar energy system that ceases to produce energy on a continuous basis for 6 months will be considered abandoned, unless the property owner provides substantial evidence to the Community Development director or their designee of the intent to maintain and reinstate the operation of that solar energy system within an acceptable designated time. Upon abandonment of a solar energy system, the property owner must remove all components of the solar energy system and restore the real property to its condition prior to development and installation of the solar energy system. If the property owner does not remove the abandoned solar energy system within 180 days of receiving written notice from the zoning administrator, the city may remove the solar energy system, sell any removed materials and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the solar energy system and restore the site to a non-hazardous condition. All end-of-life disposal of solar products must comply with the Federal Resource Conservation and Recovery Act and any state policies governing solar product waste. If an applicant has received a permit but has not completed construction of the solar energy system within 18 months from the date of issuance of the permit, the system shall be deemed abandoned.

(8) *Restoration.* Upon abandonment, the property owner must ensure the site is restored to a useful, non-hazardous condition in a timely manner, including, but not limited to the following:

(a) Removal of aboveground and below ground equipment, structures and foundations.

(b) Restoration of the surface grade and soil after removal of solar energy equipment.

(c) Re-vegetation of restored soil areas with native seeds mixes, excluding any invasive species.

(9) *Design plan.* Any permit submittal shall include a site or design plan indicating the adequacy, location, arrangement, size, design and general site compatibility of the proposed solar energy system.

(a) *Historic Buildings* - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(D) *Safety.*

(1) *Compliance with building code.* All solar energy systems shall comply with all local and state building codes.

(2) *Compliance with electrical code.* All solar energy systems shall comply with the national electrical code.

(3) *Compliance with state plumbing code.* All solar energy systems shall comply with the Minnesota state plumbing code requirements.

(4) *Compliance with state fire code.* All solar energy systems shall comply with the Minnesota state fire code requirements.

(5) *Certifications.* Solar energy system components shall be certified by Underwriters Laboratories Inc. and the solar rating and certification corporation. The city reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

(6) *Batteries.* When solar storage batteries are included as part of a solar energy system, they must meet the requirements of the Minnesota state building code.

(E) *Approval.*

(1) *Permits.* The erection, alteration, improvement, reconstruction, and movement of all solar energy systems shall require a building permit from the city. The city council shall set the solar energy system permit fee by resolution.

(2) *Utility notification.* All solar energy systems that will interconnect with the electric grid shall have an agreement with the local utility prior to the issuance of a building permit. Any connection with a local utility must be inspected by the local utility prior to use.

(3) *Aviation.* If the solar energy system is over ½ acre in size and located within 5 nautical miles of an airport, or is located within the airport zoning district, airport or FAA notification shall be provided and approval obtained.

**SECTION 2.** City Code Chapter 10 entitled "General Provisions" applicable to entire city code including penalty for violation and Section 10.99 entitled "General Penalty" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

**SECTION 3.** This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 42, 4th Series.

*Voting Aye: Pokrzywinski, Riopelle, Helms, Olstad, Larson, Peterson, and Vetter.*  
*Voting Nay: None.*  
*Absent: None.*

ATTEST:

PASSED: October 15, 2024

\_\_\_\_\_  
City Administrator

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President of Council

I hereby approve the foregoing Ordinance this 15<sup>th</sup> day of October, 2024.

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Mayor