

**VILLAGE OF BISMARCK, ILLINOIS**  
**PERSONAL SOLAR ENERGY SYSTEMS ORDINANCE**  
**AN AMENDMENT TO ZONING ORDINANCE NUMBER 2001-9**

WHEREAS, the President and the Board of Trustees of the Village of Bismarck, Illinois have heretofore approved and adopted a Zoning Ordinance on September 18, 2001 (hereinafter the Ordinance); and

WHEREAS, the President and Board of Trustees of the Village of Bismarck have determined it is in the best interests of the Village to add certain provisions to the Ordinance in an effort to regulate of the construction, installation, use, maintenance, and operation of solar energy systems in the Village and its jurisdictional border in a manner that ensures the protection of the health, safety, environment, and welfare of the Village and its residents.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Bismarck, as follows:

There shall be added to the Ordinance a new Article entitled ARTICLE 28, which shall provide as follows:

**ARTICLE 28. RULES AND REGULATIONS FOR THE SITING AND OPERATION OF PERSONAL SOLAR ENERGY SYSTEMS**

**Section 1 - Purpose.**

The purpose of this Article is to govern the construction, installation, and operation of certain non-commercial, non-industrial, and non-community solar energy systems within the zoning jurisdiction of the Village (including the 1.5 mile radius) in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts on adjoining property or on the environment.

**Section 2 - Definitions.**

ACCESSORY — As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

BATTERY ENERGY STORAGE SYSTEM (BESS) - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include batteries utilized for vehicles.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING – A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted at an optical angle, or any other such similar system or structure.

SOLAR ENERGY – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES) – The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

PERSONAL SOLAR ENERGY SYSTEM (PSES) – Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site. PSES may not primarily sell electricity for wholesale or retail markets.

SOLAR PANEL – A device for the direct conversion of solar energy into electricity or heat.

### **Section 3 - Personal Solar Energy Systems (PSES).**

A. Intent. The purpose and intent of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect public health, safety, and community welfare without unduly restricting the development of PSESs.

B. Permitted use. PSES shall be considered an accessory use to a principal permitted use in any zoning district. A PSES which complies with the requirements of this Article shall be permitted. Any PSES which deviates from the requirements of this Article shall seek and obtain a variance prior to the installation of such PSES. Any non-compliant PSES shall be removed at the owner's expense.

C. Special requirements. PSES shall be subject to the requirements included in the Village Zoning Ordinance and the below requirements unless otherwise stated herein. All PSES shall be subject to the General requirements.

(1) General (applicable to ground-mounted and roof-mounted PSES systems):

- a) All applicable laws, statutes, regulations, and ordinances shall be followed.
- b) The PSES shall provide electricity or heat for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- c) All PSES components must have a current Underwriters Laboratory (UL) listing or approved equivalent.
- d) All PSES and BESS must comply with the International Building Code, International Residential Code and National Electric Code.
- e) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. Owner shall install glare mitigation if requested by the Village, in such manner and form as may be prescribed by or approved by the Village.
- f) All PSES shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north while still providing adequate solar access for collectors. They shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way, provided that the screening shall not affect the operation of the system.
- g) All grid-integrated PSES shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement but only so long as the PSES complies with all other provisions of this Article and no safety concerns are cited by the electric utility.
- h) The Village reserves the right to require an inspection of any PSES prior to beginning operation for compliance with all Village ordinance provisions, including but not limited to, building and safety codes. The inspector shall be chosen or approved by the Village.
- i) The Village reserves the right to require an inspection of any BESS or component prior to utilization for compliance with all Village ordinance provisions, including but not limited to, building and safety codes. The inspector shall be chosen or approved by the Village. The location of the BESS must be provided to the Village within seven (7) days of installation.
- j) All PSES and BESS must register with the Village at no cost in order to identify such systems for the purpose of firefighting and emergency response.
- k) All PSES and BESS are subject to an inspection, at the discretion of the Village, to ensure compliance with this Article, the Village Zoning Ordinance, the safety, health and welfare of the surrounding properties and citizens, the safety

of the systems and their components, and for the purpose of assessing system congruence with firefighting and emergency response.

(2) Ground-mounted PSES. Ground-mounted PSES shall be subject to the following requirements:

- (a) No ground-mounted PSES shall be permitted within the Village corporate limits. Ground-mounted PSES which otherwise comply with the provisions of this Article and all other Village Ordinances shall be allowed within the 1.5 mile radius buffer zone.
- (b) No ground-mounted PSES shall be greater than 10 feet in height at maximum tilt of the solar panels in any zoning district.
- (c) The lot on which the PSES is installed shall be no smaller than 2.5 acres.
- (d) The PSES shall maintain perimeter setbacks of no less than 100 feet. No PSES shall be located in the front yard of a premises.
- (e) No ground-mounted PSES shall exceed half the building footprint of the principal structure. Ground-mounted PSES shall be exempt from impervious surface calculations if the soil under the collector is not compacted and is maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- (f) The Village fire protection district, or a third-party inspector chosen by the Village, shall inspect and approve the PSES plans prior to the installation of any PSES component.
- (g) If any of the specifications set forth above cannot be met, a variance must be applied for and obtained prior to installation of any PSES component.

(3) Roof-mounted PSES. Roof-mounted PSES shall be subject to the following requirements:

- (a) No roof-mounted PSES shall project more than 12 inches above the roof.
- (b) No roof-mounted PSES shall be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed, except that if an existing roof is within 12 inches of the maximum allowable height, then the PSES may project no more than 12 inches above the roof, even if it exceeds the maximum allowable height.
- (c) Roof-mounted PSES shall allow for adequate roof access for firefighting purposes. The Village reserves the right to require the Village fire protection district to inspect and approve the PSES plans prior to the installation of any PSES component.

- (d) Roof-mounted PSES shall not occupy more than 80% of the aggregate square footage of the roof area. The roof shall be considered a part of a building completely covering and permanently attached to such building and can be flat or pitched.
  - (e) If any of the specifications set forth above cannot be met, a variance must be applied for and obtained prior to installation of any PSES component.
- (4) Existing Systems. Existing PSES shall be subject to the following requirements:
- (a) The Village reserves the right to inspect any PSES or component which exists or is in the process of construction as of the date of the passage of this Article for the purposes of determining the health and safety of the PSES and its components.
  - (b) All PSES and BESS which exist or in the process of construction as of the date of the passage of this Article shall register with the Village in order to identify for the purpose of firefighting and emergency response.
  - (c) The modification, alteration, or reconstruction of any PSES or BESS, or component thereof, which exists or is in the process of construction as of the date of the passage of this Article shall comply with all the provisions and requirements of this Article and all other Village ordinances.

#### **Section 4 - Building Permit and Fee.**

Prior to installing any component of a PSES the applicant / Owner must apply for and obtain a Building Permit from the Village. A building permit fee of \$50.00 shall be paid to the Village at the time the application is submitted. If additional inspections or other actions are determined by the Village, in its sole discretion, to be necessary or advisable in connection with the evaluation of the Building Permit application, the costs associated therewith shall be assessed to the applicant in the form of an additional fee assessed to the Owner. No Building Permit shall be issued to any applicant with outstanding fees. Upon approval, the Village Board of Trustees may affix conditions to approval which are not inconsistent with this Ordinance, or any other law or regulation.

#### **Section 5 - Wind and Solar Committee.**

The Wind and Solar Committee (hereinafter Committee), as established in Article 14 of this Ordinance, shall review permit applications submitted pursuant to this Article. The decision to grant or deny a permit application is within the sole discretion of the Village Board of Trustees.

The Committee shall have authority to conduct, commission, and oversee the PSES and BESS inspections provided for in this Article and report the results of such inspections

periodically to the Village Board of Trustees.

In the event a Wind a Solar Committee has not been established, or is otherwise not currently operational, the duties and responsibilities of the Committee set forth in this Section shall be assumed by the Village of Bismarck Planning Commission.

### **Section 6 - Penalties.**

A. Failure to obtain applicable Building Permit(s) for the construction of a PSES or failure to comply with the requirements of an approved Building Permit or the provisions of this Ordinance shall be deemed a violation of this Article. The Village may bring an action to enforce compliance with the requirements of this Article by filing an action in any court of competent jurisdiction for an injunction requiring conformance with this Article, or seek such other order as any court of competent jurisdiction deems necessary to secure compliance with this Article.

B. In addition, any person who violates this Article shall be fined not less than \$100 or more than \$2,500. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

C. Nothing herein shall prevent the Village from seeking such other legal remedies available to prevent or remedy any violations of this Article.

### **Section 7 - Administration and Enforcement.**

The Village shall enforce the provisions of this Article through inspections on such schedule as the Village deems appropriate. The Village, or its designee, has the authority to enter upon the premises where a PSES or BESS is located at any time by coordinating a reasonable time with the Owner thereof. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this Article shall be subject to the penalties provisions in Section 6 of this Article.

### **Section 8 - Indemnification and liability.**

A. The applicant and Owner shall, jointly and severally, defend, indemnify, and hold harmless the Village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant and / or Owner associated with the construction and/or operation of any PSES, BESS or component thereof.

B. Neither this provision, nor any other in this Article, is intended to place a duty upon the Village to inspect or enforce any provision of this Article, or waive any statutory, or common law, immunity provided by law, including any privilege, immunity, or affirmative defense under the Local Immunity Act (745 ILCS 10/1-101 *et seq*).

**Section 9 – Severability.**

If any section, paragraph, clause, phrase or part of this Article is, for any reason, held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations, and the application of those provisions to any persons or circumstances shall not be affected thereby.

**Section 10 – Effective Date.**

This amendment to the Zoning Ordinance of the Village of Bismarck, Illinois, is an ordinance necessary for the health and safety of the people of Bismarck, Illinois, and shall be in effective upon passage by the Village Board of Trustees and shall remain in full force and effect from and after its passage.

Passed by the Board of Trustees of Village of Bismarck, Bismarck, Illinois, on the \_\_\_\_ day of \_\_\_\_\_, 2024 on the following roll call vote:

AYES: \_\_\_\_\_

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

ABSTAINING: \_\_\_\_\_

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

Approved this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mike Brown, Village President

ATTEST:

\_\_\_\_\_  
Brandye Kizer, Village Clerk

STATE OF ILLINOIS            )  
  ) SS:  
COUNTY OF VERMILION        )

**CERTIFICATE**

I, Brandye Kizer, Village Clerk of the Village of Bismarck, Illinois, do hereby certify that the foregoing is a true and correct copy of the Personal Solar Energy Systems Ordinance passed by the Village of Bismarck, Bismarck, Illinois at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024 and signed by the President of the Board of Trustees and attested by the Village Clerk of said Board, on said date as the same appears on the records of said Board, now in by custody and keeping.

\_\_\_\_\_  
Brandye Kizer, Village Clerk