

Proposed Henry County Solar Ordinance 10-15-2020

Adjoining Property	Any property where the border of which is shared in part or in whole with another property, and is not separated by a street, road, or other public thoroughfare separating the properties.
Building-mounted Solar Energy System	A solar energy system that is structurally mounted to a building or structure. A Building-mounted SES can be mounted on the roof or façade of a building or structure.
Ground-mounted Solar the Energy System	A solar energy system that is structurally mounted to ground. Ground-mounted SES can be further classified as Small-scale SES and Large-scale SES.
Small-scale Solar Energy System	A Ground-mounted SES that is less than or equal to ten (10) acres in area.
Inverter	A device that converts the Direct Current (DC) electricity produced by a solar photovoltaic system into Alternating Current (AC).
Large-scale Solar Energy System	A Ground-mounted SES that is greater than ten (10) acres in area.
Municipal Utility Solar Energy System	A solar energy system constructed in partnership with a municipal electric utility and located within the corporate limits of the municipality.
Solar Panel	A photovoltaic device capable of collecting and converting solar energy into electrical energy.
Solar Energy System (SES)	An energy system, and all related solar energy equipment, that uses the power of the sun to capture, store, and transmit energy.
Solar Energy Equipment	Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SECTION 10.0 UTILITIES: SOLAR ENERGY SYSTEMS (SES)

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10.1 INTENT

It is the intent of this Section to protect the public health and safety of Henry County while accommodating alternative energy needs by establishing requirements and regulations for the placement, construction, modification, and removal of solar energy systems.

10.2 APPLICABILITY

The regulations of this Section shall apply to all lands and land uses and structures in the unincorporated areas of Henry County and in incorporated towns and cities that have designated the Planning Commission as their planning agency.

10.3 EXEMPTIONS

Any SES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing SES whether or not existing prior to the effective date of this Section that materially alters the SES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

10.4 PROHIBITION

No Applicant, person or entity shall construct, operate, or locate within Henry County a Solar Energy System (SES) without having fully complied with the provisions of this Ordinance.

10.5 COMPLIANCE WITH OTHER LAWS AND ORDINANCES

All SES shall comply with all Federal, State and local laws and ordinances including, but not limited to building codes, fire codes, placement in floodplains, historic preservation districts, and applicable FAA regulations, including any necessary approvals for installations close to airports.

10.6 Required Permits

Improvement Location Permits and Building Permits must be obtained, as outlined in this Section and Title 1 Section 14.6, prior to beginning construction or use of any Solar Energy System in Henry County.

10.6 METHOD OF MEASUREMENT

Solar Energy Systems shall be measured in the following manner:

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- A. Area - The area of the SES shall be calculated to include all the land and equipment inside the perimeter of the system, and shall extend to, and include, any access roads, fencing, setbacks and landscaping.
- B. Height - The height of the SES shall be calculated as the distance from grade or roof to the top of the solar panel at its greatest incline.
- C. Projection - The projection of a facade-mounted SES is measured from the facade to the outside edge of the SES that is perpendicular to the ground.
- D. Setback - Setbacks for Ground-mounted SES shall be measured from the property line to the edge of the nearest SES above ground equipment.

10.7 BUILDING-MOUNTED SOLAR ENERGY SYSTEMS REGULATIONS

- A. Building-mounted SES are a permitted use in all zoning districts under the following requirements:
 - 1. Building-mounted SES may exceed the maximum allowed building height of the building or structure on which it is located by five (5) feet in residential districts and ten (10) feet in all other districts.
 - 2. Building-mounted SES may project off a building façade up to three(3) feet into the required setback.
 - 3. Building-mounted SES may be installed on legally established nonconforming buildings as long as the installation of the SES does not increase the nonconformity, except for the allowances in height and projection as outlined above.
 - 4. Building-mounted SES shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, and provide for smoke ventilation opportunities. Building-mounted SES shall be located in accordance with the Indiana Fire Code.

10.8 GROUND-MOUNTED SOLAR ENERGY SYSTEMS REGULATIONS

- A. Small-scale Solar Energy Systems

Small-scale Solar Energy Systems are ground-mounted SES that are less than or equal to ten (10) acres in area.

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Small-scale SES are a permitted use in all zoning districts under the following requirements:

1. Small-scale SES shall not be taller than fifteen (15) feet above grade.
2. Small-scale SES shall meet the required setbacks of the district in which they are located. Setbacks shall be the same as what is required for accessory buildings. Setbacks shall be measured from the property line to the nearest piece of above ground solar energy equipment.
3. Small-scale SES shall not be located over a septic field, unless approval is granted from the Henry County Health Department.
4. Small-scale SES shall not be placed within any legal easement or right-of-way location except if permission is granted in writing by the owner of right-of-way or easement. Nor should it be placed within the legal easement of any Henry County Drain except if permission is granted in writing by the Henry County Surveyor and/or the County Drainage Board.
5. Small-scale SES shall be exempt from all required landscaping.
6. Site Plans shall be submitted to the Zoning Administrator with the Application for an Improvement Location Permit and reviewed as described in Title 1 Paragraph 14.8 of the Development Code.

B. Large-Scale Solar Energy Systems

Large-scale Solar Energy Systems are ground-mounted SES that are greater than ten (10) acres in area.

In addition to all other requirements of this code, Large-scale Solar Energy Systems require a Commission Approved Use in R1, R2, and R3 Residential Districts, as well as Rural Residential (RR) Districts with less than five (5) acres.

Site plans shall be submitted to the Zoning Administrator with the Application for an Improvement Location Permit and reviewed as described in Title 1 Paragraph 14.8 of the Development Code.

Plan schematics are to include a wiring diagram, where a separate shut off has been included for fire safety and made available to the appropriate fire department or district.

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Large-scale SES are a permitted use in all other zoning districts under the following requirements:

1. General Site Requirements

a. Setbacks

- i. Setbacks shall be measured from the property line to the nearest piece of above ground solar energy equipment. Setbacks do not apply to underground cabling, fencing, access roads/lanes or ingress/egress roads.
- ii. Large-scale SES shall be set back a minimum of ninety (90) feet from the center of any adjoining public road.
- iii. Large-scale SES shall be setback a minimum of one hundred (100) feet from any nonparticipating adjoining property.
- iv. Inverters must be placed a minimum of one hundred (100) feet from any nonparticipating adjoining property line.
- v. Any Large-scale SES must be set back a minimum two thousand six hundred and forty (2,640) feet from any municipal corporate limits. The municipal governing body may waive this requirement by filing a written waiver with the Zoning Administrator.
- vi. No nonparticipating adjoining property with a legal dwelling or current building permit for a dwelling may be bordered on no more than two (2) adjoining sides by a Large-scale SES. Participating and non-participating adjoining property owners may waive this requirement by filing a written waiver with the Zoning Administrator.
- vii. Participating and non-participating parcel owners may waive any setback requirements by filing a written waiver with the Zoning Administrator.

b. Height

- i. Large-scale SES shall not be taller than ~~twenty (20)~~ fifteen (15) feet above grade.

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2. Fencing

- a. For security, a Large-scale SES shall be completely enclosed by a six (6) foot high fence with a locking gate.
- b. Signage will be permitted on the fencing provided it meets the signage standards of this section and all other state and local signage requirements.
- c. The fence must be located between any required landscaping and the SES.

3. Signage

- a. Signs will comply with the Sign Standards provided in applicable Articles of the Zoning Ordinance.
- b. An identification sign relating to a SES may be located on each side of the fenced facility area, provided that there shall be no more than one (1) sign located on any side of the SES fenced facility area, unless additional identification signs are required to provide reasonable notice to the general public.
- c. A sign shall be securely posted on each gate entry point clearly displaying an emergency telephone number(s) and other contact information.
- d. All ingress/egress roads to a SES shall have posted in a conspicuous location a 911 Address road sign indicating the assigned address for that location.
- e. Warning signs shall comply with applicable laws.
- f. No portion of the SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the SES provided they comply with the prevailing sign regulations.
- g. All signage required or permitted by this code shall be made of materials and constructed in a manner to be durable and long

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lasting. The same shall be painted or made of material with a distinct, high contrast background and be weather proof paint or other weather proof material to promote safety and protect the public from hazards and potential hazards.

4. Landscaping and Screening

- a. Pollinator-friendly plants and grasses are required as ground cover for any Large-scale SES. Such ground cover shall be planted and maintained under and around all solar panels, in setback buffer areas, and on any ground in the SES that is not covered by equipment or established access roads. (For reference, best practices, and maintenance information see *Technical Guide; Establishment and Maintenance of Pollinator-Friendly Solar Projects (2020) - Northern Indiana - Michiana Area Council of Governments, as amended*, or alternate pollinator guides that may be provided by the Zoning Administrator.)

Large-scale SES may claim that the site provides benefits to pollinators only if the site meets the standards of the Purdue University Solar Site Pollinator Habitat Planning Scorecard and the applicant/owner uses the following best management practices:

- i. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.
- ii. Perennial vegetation ground cover shall be based on a diverse seed mix of species consisting of meadow grasses and pollinator-friendly wildflower forbs and/or clover species based on guidance specific to the local area provided by the National Resources Conservation Service, Soil and Water Conservation District, or Purdue University. If the site is to be used for grazing, ground cover shall consist of grasses and vegetation approved for grazing and foraging by the Purdue Cooperative Extension Services
- iii. The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council. Maintenance shall include eradication of all noxious weeds and plants, as identified by the

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Purdue Cooperative Extension Services, prior to the weeds seeding and spreading.

- iv. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.
 - v. The owner or operator may use livestock grazing as a way to manage vegetation.
 - vi. Alternate ground cover landscaping plans that encourage the use of the property for agricultural purposes, such as grazing or under panel crops may be submitted for consideration by the Planning Commission. Such alternate agricultural based plans must fully detail the estimated yearly schedule for planting and harvesting or grazing. The owner or operator of the Large-scale SES must submit and receive approval for any deviations or changes to the originally submitted agricultural based plans.
- b. Where a Large-scale SES abuts a nonparticipating adjoining parcel which has a legal dwelling, a landscaping buffer shall be installed along the entire length of where the two (2) parcels abut. The buffer must consist of either/or:
- i. A six (6) foot tall earthen berm planted with grass and/or other appropriate vegetative ground cover.
 - ii. A row of evergreen trees, at least four (4) feet tall at the time of construction, initially planted at five (5) foot Intervals.
 - iii. An existing tree line may count as a sufficient barrier if the trees and vegetation are healthy and are equal to or greater than the required screening height and density.
 - iv. Opaque fencing is not considered an acceptable landscaping buffer.
 - v. Screening landscaping shall be done in accordance with a certified landscape plan that shows a visual barrier with

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a predicted minimum height of seven (7) feet within three (3) years of planting, and will be achieved by the selected species and planting size and density during normal growing conditions. A minimum height of seven (7) feet is to be maintained over the life of the project. Height is measured from the original grade. The effectiveness of screening shall be maintained as the plant materials mature.

- vi. Tables 21, 22, 23 and 24 in Title 1 of the Henry County Development Code list plant materials approved for specific applications. Plants used to fulfill the requirements of this Section must be selected from the following tables, unless the Planning Commission approves the use of another plant for cause shown.
 - vii. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown.
 - viii. No trees or other landscaping otherwise required by the county ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a SES.
 - ix. Screening landscaping must be located between the adjoining property and the SES fence.
 - x. Adjoining property owners may waive landscaping requirements by filing a written waiver with the Zoning Administrator.
- c. Landscaping along right-of-ways is not required.
 - d. A clear sight triangle shall be maintained at all intersections and ingress/egress locations.
 - e. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the SES shall be responsible for the continued property maintenance of all landscaping materials and shall keep the SES in a proper and orderly appearance free from refuse and

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debris at all times. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice of the violation.

- f. Failure to follow or maintain the approved SES landscaping plan will result in enforcement as outlined in Title 1, Section 14 of the Development Code.

5. Glare

- a. Solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year round so any glare is directed away from adjacent properties, structures and roadways.
- b. The applicant has the burden of mitigating any glare produced so as not to have significant adverse impact on adjacent uses. Mitigation is accomplished by panel siting, panel orientation, landscaping and/or other means.

6. Noise

- a. No operating Large-scale SES shall produce noise that exceeds fifty (50) decibels, as measured at the property line of any adjoining property with a legal dwelling or current building permit for a dwelling except during construction.
- b. Adequate setbacks, barriers, enclosures, use of quieter equipment, or other effective means of reducing noise shall be used to comply with these limitations.
- c. Participating and non-participating parcel owners may waive decibel requirements by filing written waiver with the Zoning Administrator
- d. To mitigate noise during construction, hours of construction and material delivery for a Large-scale SES will be limited to between the hours of 6 am until 10 pm.

7. Lighting

- a. A Large-scale SES shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority. Such lighting shall be shielded and downcast so as not to affect adjacent properties.

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8. Drainage, Flood, and Erosion Control

- a. A detailed drainage plan compliant with the requirements of the Henry County Stormwater Ordinance shall be submitted and approved by the Henry County Drainage Board prior to receiving an Improvement Location Permit.
- b. In instances where the project is required to comply with IDEM erosion control regulations, proper approvals shall be submitted indicating the plans have been approved.
- c. Any project within a special flood hazard area shall comply with all standards required under the Henry County Flood Damage Prevention Ordinance.
- d. The area beneath the ground mounted SES is considered pervious cover. However, use of impervious construction materials within the SES could cause areas to be subject to stormwater detention requirements. Natural (pervious) ground covers are required beneath the solar arrays.
- e. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of a Large-scale SES, must be completely repaired to the current stormwater ordinance requirements so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time agreed upon by the Henry County Surveyor.

9. Application for Improvement Location Permit

- a. Contiguous Large-scale SES projects (adjoining properties, single Owner) may submit a single application and be reviewed under the same proceedings, including notices, hearing(s), reviews and denials, or approvals.
- b. The Applicant shall apply to the Zoning Administrator for an Improvement Location Permit. In addition to the information required on the Improvement Location Permit Application, and subject to the additional requirements stated in this section and this Code, specifically Title 1 section 14.6 and 14.8, the Applicant shall provide the following information to the Zoning Administrator prior to the issuance of an Improvement Location Permit:

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- i. A site plan, drawn to scale, including distances pertaining to all applicable setback requirements. All drawings shall be at a scale of one (1") inch equals thirty (30') feet (1 inch = 30 feet). No individual sheet or drawing shall exceed twenty-four (24") inches by thirty six (36") inches (24 inches by 36 inches). The following shall be indicated on the site plan:
 1. A United States Geological Survey (USGS) topographical map, or map with similar data, of the property and the surrounding area, with contours of not more than five (5') foot intervals.
 2. Property lines subject to the application with the names of owners of record of each parcel and adjacent parcels.
 3. Location and name/number of public roads surrounding, abutting, and/or traversing the SES and any SES ingress/egress road.
 4. Setback lines showing the distances from the SES to each setback requirement listed in this Section.
 5. Location of any substations or battery storage units.
 6. Location of any electrical cabling outside of fenced areas.
 7. Location of any proposed structures associated with the SES.
 8. Location and height of fencing, access roads, berms and landscaping associated with the SES.
 9. Location and spacing of panels/arrays, key components and associated equipment.
 10. Any structure within one quarter (1/4) mile of the proposed SES boundary.
 11. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers

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requirements and guidelines, within one quarter (1/4) mile of a proposed SES.

12. The location of any county drains, stormwater drains, or sewer lines within one quarter (1/4) mile of a proposed SES.

13. The location of any municipal water wells within one quarter (1/4) mile of a proposed SES.

- ii. Copies of all recorded access easements and necessary recorded utility easements.
- iii. A Memorandum of Agreement for all agreements of any description signed by participating landowners authorizing the placement of the proposed SES on landowner's property.
- iv. Copies of all written waivers, describing the standard or requirement which is being waived, signed by adjoining property owners.
- v. A drainage plan for construction and operation must be developed and approved by the Henry County Drainage Board.
- vi. An erosion control plan developed in consultation with the Henry County Soil and Water Conservation District.
- vii. An emergency response plan for construction and operation of the SES, prepared in cooperation with the Henry County Homeland Security Emergency Management, the Henry County Sheriff's Department, and the responding Fire Department.
- viii. A road and transportation plan approved by the Henry County Highway Department Superintendent or Engineer identifying all proposed routes that will be used for transportation of construction materials, construction of the SES, and/or maintenance of the SES.
- ix. Written acknowledgement that the applicant and all current and successive owners and/or operators of the SES do not have the right to remain free of shadows and/or obstructions to solar energy caused by

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development of adjacent or other property or the growth of any trees or vegetation on such property. Also that any and all current and successive owners and/or operators of the SES do not have the right to prohibit the development of, or growth of any trees or vegetation on such property. This document is subordinate to any solar easements entered into with adjacent landowners and subject to the terms agreed to therein.

- x. A document stating that the applicant and all current and successive owners and/or operators of the SES shall agree to allow entry by the County or their designee to remove an abandoned, hazardous, or decommissioned installation if said SES has not begun decommissioning as described in this code.

10. Building Permit

- a. A Building Permit shall be obtained before beginning construction, alteration, repair or demolition of any Large-Scale SES.
- b. All solar energy systems shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and Electric Code.

11. Materials handling, storage and disposal

- a. All solid or liquid wastes, whether generated from supplies, equipment, parts, packaging, operation, maintenance, rehabilitation, decommissioning, restoration of the facility, or otherwise, including, but not limited to, old parts and equipment related to the maintenance, rehabilitation, decommissioning, or restoration of any SES shall be removed from the site promptly and disposed of or recycled in accordance with all federal, state and local regulations, laws and ordinances.
- b. All hazardous materials or hazardous waste related to the construction, operation, maintenance, rehabilitation, decommissioning, or restoration of any SES or otherwise generated by the facility shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal regulations and laws.

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12. Roads

- a. A road and transportation plan must show, to the extent possible, all proposed routes that will be used for transportation of construction materials, construction of the SES, and/or maintenance of the SES. If the routes include any public roads, such route shall be approved by the Henry County Highway Department Superintendent or Engineer prior to receiving an Improvement Location Permit. To the extent possible State or Federal Highways shall be utilized for the purposes of transporting any component of a SES, substation and/or any other equipment for the construction, operation or maintenance of a SES.
- b. Prior to construction, the applicant shall conduct a pre-construction baseline survey in coordination with, and acceptable to, the Henry County Highway Department Superintendent or Engineer and such survey shall be used to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, and/or video, or a combination thereof, and a written agreement to document the condition of the public facility as the same exists on the date of the baseline survey. This survey shall be the basis for determining the minimum width of roads (not platted width) and when repair or replacement is required.
- c. Any road damage caused by the transport of any matter or material utilized in any way regarding the SES, in the construction of the SES, the installation of the same, and/or the removal and decommissioning of the same, shall be repaired to the satisfaction of the Henry County Highway Department Superintendent or Engineer.

13. Ownership and Contact Information

- a. These regulations and any requirements or conditions for approval attached to an application carry forward with any and all current and successive owners and/or operators of the SES.
- b. The names, addresses, telephone numbers and e-mail addresses of the SES owners, together with a description of the owner's business structure and overall role in the proposed SES, and documentation of real estate ownership of any real property upon which any part of the proposed SES is to be located. The SES owner shall inform the Zoning Administrator of

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any change of SES ownership, in whole or in part, and shall furnish the required information regarding such owner.

- c. The SES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Zoning Administrator. The SES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

14. Right to Entry

- a. The Zoning Administrator, Building Inspector or anyone designated by the Planning Commission or County Commissioners has the right to enter any part or portion of the SES upon twenty four (24) hours' notice to the SES owner and/or operator to inspect for compliance with the Henry County Code. It is the responsibility of the owner and/or operator to facilitate said entry within twenty four (24) hours and to ensure the SES is safe for entry.
- b. Emergency response personnel have the right to enter the SES at any time in case of a public emergency.

15. Abandonment and Removal

- a. A Large-scale SES which has reached the end of its useful life or has been abandoned shall be removed by the owner or operator. The owner or operator shall physically remove the installation no more than 120 days after the date of discontinued operations, or by a timeframe determined by the Zoning Administrator for extenuating circumstances. For large-scale SES, decommissioning shall consist of:
 - i. Physical removal of all SES, structures, transmission lines, and equipment above and below ground from the site;
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - iii. The owner shall restore the site to its condition prior to location of the SES (excluding replanting of original vegetation and trees), and shall stabilize soils through

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use of ground cover. All concrete, asphalt, gravel and rebar must be removed from the soil.

- b. A Large-scale SES shall be declared abandoned by the County when it fails to operate for more than six (6) months without written consent.
- c. If the owner or operator of the Large-scale SES fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned Ground-mounted SES. As a condition of issuance of an Improvement Location Permit, the applicant and landowner shall agree to allow entry to remove an abandoned, hazardous, or decommissioned installation.

16. Decommissioning Fund

- a. Prior to receiving an Improvement Location Permit, any owner of a Large-scale SES shall establish a cash security fund, bond, irrevocable letter of credit or other means as determined by the Henry County Board of Commissioners.
 - i. This fund is meant to secure the payment of removing any abandoned SES. The removal shall include the solar panels and associated equipment and buildings that have been determined to be abandoned, or found to be in non-compliance with this chapter.
 - ii. The fund shall contain and be maintained at the amount of 125% of the cost of demolition and removal of the SES, based upon a licensed engineer's estimate of the cost of demolition and removal. Said estimate will be reviewed by a licensed engineer every five (5) years to insure the established fund is sufficient for demolition and removal of the SES.
 - iii. The established fund will be used by Henry County to deduct fines and penalties for non-compliance with this code or other applicable laws. Any reduction in the security fund provided, because of deductions of fines, penalties, or removal costs, shall be replenished by the SES owner and/or operator to the total of the required

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amount within 30 days after notice from Henry County of the amount deducted and the deficiency created hereby.

- iv. Within three months after the SES is removed, any remaining funds on deposit with Henry County pursuant to this Section, after application and above all expenses provided for herein, shall be refunded to the appropriate SES owner who created the security fund. The requirement for a security fund shall not apply to a municipal corporation or a school corporation, as defined in IC 36-1-2-10 and 17 respectively.

C. Municipal Utility Solar Energy Systems

1. Any Municipal Electric Utility is exempt from the regulation in this Section if:
 - i. The SES is to be located entirely within the municipal corporate limits,
 - ii. The municipal governing body provides a signed resolution to the Planning Commission approving the construction of a SES within their corporate limits, and
 - iii. The municipal governing body provides a signed resolution to the Henry County Board of Commissioners holding the County harmless for any issues or financial responsibilities that may occur from the Municipal Utility SES.
2. Municipal Utility SES are not exempt from obtaining, and paying fees for Building and Improvement Location Permits.
3. Municipal residents are still subject to all the requirements of this Section related to Small-scale Solar Energy Systems.