

**MUSKEGON CHARTER TOWNSHIP  
COUNTY OF MUSKEGON  
STATE OF MICHIGAN**

AN ORDINANCE TO AMEND CHAPTER 58 ENTITLED ZONING TO PROVIDE FOR  
AND REGULATE SOLAR ENERGY SYSTEMS IN THE CHARTER TOWNSHIP OF MUSKEGON

**Ordinance 17-06**

**Section 1.** THE CHARTER TOWNSHIP OF MUSKEGON HEREBY ORDAINS:

THAT CHAPTER 58 OF THE CODE OF ORDINANCES FOR MUSKEGON  
CHARTER TOWNSHIP IS HEREBY AMENDED TO ADD THE FOLLOWING NEW  
ARTICLE, X ENTITLED SOLAR ENERGY SYSTEMS

ARTICLE X: SOLAR ENERGY SYSTEMS

**Sec. 58- 502: Purpose.**

The purpose of this ordinance is to provide for regulation of the construction, installation, and operation of Solar Energy Systems (SESs) in a manner that ensures the protection of the health, safety and welfare of the residents of Muskegon Charter Township while promoting the effective and efficient use of solar energy systems.

**Sec. 58-503. Definitions.**

The following definitions shall apply in the interpretation of this article.

*Solar cell* means any device that directly converts solar radiation into thermal, chemical, or electrical energy through the process of photovoltaics and usually is mounted on solar panels.

*Solar energy collector* means a photovoltaic cell, panel or panels, and/or other devices or equipment, or any combination thereof, which relies on solar radiation as an energy source for the generation of thermal, chemical or electrical energy.

*Solar Energy System (SES)* means 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. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

*Solar panel* means a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

*Solar storage battery* means a device that stores energy from solar radiation and makes it available in the form of thermal, chemical or electrical energy.

**Sec. 58-504. Building-mounted solar energy collector requirements.**

A building mounted solar energy collector shall be a permitted use in all zoning districts, subject to the following requirements:

- (a) A building permit is required before installation of any type of solar energy collector.
- (b) Solar panels shall be permitted as a rooftop installation in any zoning district and shall be setback from the building edge at least a distance equal to its height.
- (c) Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.
- (d) Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
- (e) Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
- (f) The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
- (g) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official shall inspect the completed installation to verify compliance with the manufacturer's directions.
- (h) Solar energy collectors, and the installation and use thereof, shall comply with the most recently adopted Michigan Building Code, National Electrical Code, and all other applicable local codes.

**Sec. 58-505. Ground-mounted solar energy collector requirements.**

A ground-mounted solar energy collector system shall be a permitted use in all zoning districts, subject to the approval of the Planning Commission under Article VIII, and subject to the following requirements:

- (a) Ground-mounted solar energy collectors shall be located only as follows:

1. In the rear yard and the side yard. The setback distance required shall be the same as the required setback distance for accessory structures for the zoning district located in.

- (b) Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
- (c) The total area of ground-mounted solar energy collectors shall be included in the calculation of the maximum permitted building coverage requirement for the parcel of land.
- (d) Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the site plan application and shall be subject to the Building Official's approval.
- (e) Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official shall inspect the completed installation to verify compliance with the manufacturer's directions.
- (f) The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
- (g) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the most recently adopted Michigan Building Code, National Electrical Code, and all other applicable local codes.

**Sec. 58-506. Solar access requirements.**

Solar Access: The Township makes no assurance of solar access other than the provisions of this Article. It is the applicant's responsibility to obtain any necessary covenants or easements from abutting property owners to ensure access to solar energy.

**Sec. 58-507. Decommissioning/Abandonment**

- (a) A SES shall be deemed abandoned if it is out of service for a continuous 12 month period.
- (b) A "Notice of Abandonment" will be issued to the owner advising them that the SES shall be removed at the owner's expense within three months of the date of notice.
- (c) Removal shall require a demolition permit, and the demotion will consist of removal of panels, non-utility owned equipment, conduit, structures, and foundations.
- (d) Upon removal of a ground array SES, the site shall be cleaned and restored to blend with the existing surrounding vegetation at the time of abandonment.

- (e) Failure by the owner(s) to complete removal within the three months' time period may result in the Township Board designating a contractor to complete decommissioning with all the expenses thereof charged to the violator and to become a lien against the premises.

**Section 2. Severability.**

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

**Section 3. Repeal of Conflicting Ordinances:** All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

**Section 4. Effective Date.** This ordinance shall be effective ten (10) days after adoption.

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Ann D. Oakes C.M.C.  
Township Clerk

Introduced: April 17, 2017

Adopted: May 1, 2017

Published: April 23, 2017

Effective: May 3, 2017