

CITY OF GENESEO
HENRY COUNTY, ILLINOIS

ORDINANCE No. O-22-05

**AN ORDINANCE AMENDING REGULATIONS GOVERNING INTERCONNECTION
AND NET METERING PROGRAMS FOR RENEWABLE ENERGY**

WHEREAS, the City of Geneseo (the “City”) is an Illinois municipality in accordance with the Constitution of the State of Illinois of 1970; and,

WHEREAS, the City is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and,

WHEREAS, the City desires to make available, upon request, net metering services to any customer taking services from Geneseo Municipal Utilities and who meets the requirements set forth in this policy; and,

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of City of Geneseo as follows:

SECTION 1: Recitals: The Mayor and City Council find the foregoing recitals represent the legislative findings and purpose for adopting the regulations described herein and as such incorporate the same as though fully recited herein. The Mayor and City Council hereby express their intent for the policy adopted hereby to be liberally construed to most effectively accomplish the purposes so described.

SECTION 2: Policy: The Mayor and City Council hereby adopt amendments to Chapter 55 of the City of Geneseo Code of Ordinances by striking the existing ordinance provisions and establishing the policy and regulations described in Exhibit A to this Ordinance, the same as though they were fully set forth herein.

SECTION 3: Supersede: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: Severability. If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: That this Ordinance shall be in full force and effect after it has been adopted in the manner provided by law.

SO ORDAINED this 8th Day of March, 2022.

AYES:	James, Barnhart, Arnold, Crow, Rothschild, Wachtel, Kennett
NAYS:	0
ABSTAIN:	0
ABSENT:	Simosky

APPROVED:

MAYOR

ATTEST:

Acting City Clerk

EXHIBIT A

**AMENDMENTS TO CHAPTER 55 OF THE
CITY OF GENESEO CODE OF ORDINANCES**

CHAPTER 55. INTERCONNECTION AND NET METERING PROGRAMS

Sec. 55.01 Definitions.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Annual period means the period of 12 consecutive monthly billing periods ending on the last day of the net metering customer's April monthly billing period.

Customer means a retail customer (residential, commercial, or industrial) that owns or operates an eligible solar or wind renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements.

Electricity supplier means the alternative retail electric supplier that is providing electric supply services; or the electric utility that is providing electric supply services, either within or outside its service area.

Eligible renewable electrical generating facility means a generator up to 2,000 kilowatts powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy.

Interconnection services means on-site generating facilities connected to the city electric distribution system in a manner that will allow excess electricity generated by the eligible renewable electrical generating facility to be safely delivered onto the city's electric distribution system.

Net electricity metering (or *net metering*) means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer or subscriber.

Net purchaser of electricity means the total amount of electricity generation produced by the customer is less than the customer's total electricity usage during the applicable billing period.

Net seller of electricity means the total amount of electricity generation produced by the customer is greater than the customer's total electricity usage during the applicable billing period.

Small wind energy system (SWES) means a wind energy conservation system consisting of wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of ten kW or less for residential electric customers, or 20 kW or less for commercial or industrial electric customers, and which is intended to primarily reduce on-site consumption of utility power.

Utility means an electric utility owned and operated by the Geneseo Municipal Utility.

(Ord. O-18-03, passed 4-10-2018)

Sec. 55.02 Interconnection requirements.

The utility shall make available, upon request, net metering services to any customer taking services from the utility and who meets the requirements set forth in the Customer Self-Generation Net Metering Policy attached to this Chapter as Appendix A and incorporated by reference as if fully set forth herein. Requirements for interconnection to Geneseo Municipal Utilities shall be as follows:

-
- (A) *Application.* Customer shall submit all net metering application materials to the city. Upon receipt of a completed and executed application, the utility shall, within ten business days after receipt of an application, notify the applicant as to whether it is authorized to participate as a net metering customer. If utility issues a denial, it shall provide the reasons for denying the prospective net metering customer's application based on noncompliance with this chapter.
- (B) *Final interconnection and operation.* The customer may operate the eligible renewable electrical generating facility and interconnect with the utility's electric distribution system after all of the following have occurred:
- (1) *Electrical inspection.* The customer shall obtain an electrical permit and pass an electrical inspection before customer's generating system will be connected or operated in parallel with the utility and shall obtain all governmental authorizations and permits required for the construction and operation of the system and interconnection facilities.
 - (2) *Certificate of completion.* The customer shall provide the utility with a copy of the certificate of completion with all relevant and necessary information fully completed by the customer, as well as an inspection form from the local electrical inspection authority demonstrating that the distributed generation facility passed inspection.
 - (3) The utility, at its discretion, has completed its witness test as per the following: Within ten business days of the commissioning date, the utility must, upon reasonable notice and at a mutually convenient time, conduct a witness test of the distributed generation facility to ensure that all equipment has been appropriately installed and that all electrical connections and metering have been made in accordance with the applicable codes.
- (C) *Compliance.* The eligible renewable electrical generating facility shall be installed, operated and tested in accordance with the requirements of UL 1741 and The Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 (2003) "Standard for Interconnecting Distributed Resources with Electric Power Systems." Photovoltaic installations must comply with Article 690, Solar Photovoltaic Systems, of the National Electric Code. All interconnection related protective functions and associated batteries shall be periodically tested at intervals specified by the manufacturer system integrator, or the authority that has jurisdiction over the distributed resources interconnection, or all tests shall be performed at a minimum of every three years. Periodic test reports shall be maintained and submitted by the customer to the city's Electric Department.
- (D) *Access.* The utility shall have direct, unabated access to the disconnect switch and metering equipment of the eligible renewable electrical generating facility at all times. At the utility's discretion, it may enter the customer's premises or property if a hazardous condition exists and such immediate action is necessary to protect persons, the utility's facilities, or property of others, from damage or interference cause by the customer's generating facilities, or lack of properly operating protective devices or inability to inspect the same. The disconnect switch shall be clearly labeled and installed within two feet of the meter. The utility shall provide five business days' notice to the customer prior to using its right of access except in emergencies.
- (E) *Metering.* Any required metering and interconnection equipment shall be purchased and installed at customer expense. Any expenses incurred due to modification to the existing utility system necessitated by the introduction of customer's renewable electrical generating facility into the system shall be paid by the customer. The utility shall determine whether the customer is a net purchaser of electricity, or a net seller of electricity during the billing period.
- (F) *Interconnection.*
- (1) The customer shall comply with the net metering application attached to this Chapter as Appendix B and incorporated by reference as if fully set forth herein. Customer shall also pay for

designing, installing, inspecting, operating, and maintaining the renewable electrical generating facility in accordance with all applicable laws and regulations.

- (2) Once in operation, the customer shall make no changes or modifications in the equipment, wiring, or the mode of operation, without prior written approval of the utility.

(Ord. O-18-03, passed 4-10-2018)

Sec. 55.03 Net metering requirements and policy.

- (A) Subject to the limitations set forth herein, utility shall make net metering service available upon request to:
- (i) any residential electric customer with an eligible renewable electrical generating facility of 10 kW capacity or less; and
 - (ii) any commercial and industrial accounts with an eligible renewable electrical generating facility of 20 kW or less.
- (B) Any generating facility greater than the limits in division (A) above, but less than one MW shall be considered on a case by case basis according to the Net Metering Policy attached to this Chapter as Appendix A. The decision with respect to such facilities shall be made by the utility.
- (C) Notwithstanding the provisions in division (B) above, utility reserves the authority to limit the size of a customer's renewable electrical generating facility to a size such that the electrical output will not, as a matter of routine operation, exceed the electric load of the structure on which it is installed for an annual period.
- (D) Reserved.
- (E) Energy generated by the customer-owned renewable electrical generating facility will offset the energy required by the customer's load during the billing period. For any energy generated by the customer in excess of the energy required by the customer's loads for a given billing period a credit shall be carried forward to the customer's next billing period. Such credit shall be calculated in accordance with the Net Metering Policy attached to this Chapter as Appendix A. In no case shall credits for excess energy be carried forward after the last day of the customer's monthly billing period in April each year. In the event of termination of an account qualifying for net metering under this policy, any outstanding credits are surrendered. Under no circumstances will customer credits have any cash value for any other reason and customer credits may not be assigned, transferred, hypothecated or encumbered by or to any third party.
- (F) Any costs utility incurs associated with the net metering program, including but not limited to changes in metering (to include installation of a bi-directional meter), other physical facilities or billing-related costs, shall be borne by the customers in the net metering program. Any expenses incurred due to the modification to the existing utility system necessitated by the introduction of customer's renewable electrical generating facility into the system shall be paid by the customer.
- (G) In addition to the cost referenced in division (F) above, utility will charge a distribution system utilization fee which is approved annually by the City Council via resolution to ensure all customers pay a share of the costs of maintenance and improvements to the distribution system. This fee is exclusive to customers who receive net metering services under this policy and represents the non-by passable costs associated with maintaining the distribution system that backs up net metered generation.

(Ord. O-18-03, passed 4-10-2018)

Sec. 55.04 System use and regulations.

Customer may participate in the net metering program pursuant to the following regulations:

-
- (A) *Setback.* Customer's pole-mounted net metering facilities shall be setback from all property lines, above-ground utility lines, and roadways, a distance no less than 110 percent of the tower height. Any application that is a part of customer's net metering facilities including guy wires shall be setback from all property lines no less than 30 feet. All other renewable electrical generating facilities must comply with the applicable setbacks for the district in which it is located.
 - (B) *Yard restriction.* Customer's net metering facilities shall not be permitted in any front yard.
 - (C) *Color.* Customer's net metering facilities shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of its surroundings.
 - (D) *Illumination.* Customer's net metering facilities shall not be lighted, except as required by the FAA.
 - (E) *Noise level.* Audible sound from a customer's net metering facilities shall not exceed 25 dBA in residential districts or 50 dBA in all other districts, as measured at the exterior of any occupied building on an adjacent or neighboring property. Methods for measuring and reporting acoustic emissions from customer's net metering facilities shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association Standard 2.1 — 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
 - (F) *Turbine blade location.* At its lowest point, the tip of any turbine blade comprising part of a small wind energy system shall be no less than 15 feet above the surface of the ground.
 - (G) *Installation.* Customer's renewable electrical generating facility may not be installed until evidence has been given that all utility companies have been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 - (H) *Removal.* If any customer's net metering facility is not operational for a period exceeding 12 consecutive months, the landowner may be required to remove it at their expense.
 - (I) *Signage.* No commercial signage is permitted.
 - (J) *Screening.* No screening is required.
- (Ord. O-18-03, passed 4-10-2018)

Sec. 55.05 Required safety features.

- (A) Customer's small wind energy system shall be designed with an automatic over-speed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (B) Customer's net metering facilities shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
 - (C) Customer's net metering facilities shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the net metering facility from supplying power to a de-energized electrical distribution system.
- (Ord. O-18-03, passed 4-10-2018)

Sec. 55.06 Small wind energy conversion systems (SWES).

The following uses may be allowed by a special use permit in accordance with the provisions of this chapter. SWES shall be permitted as a special use pursuant to the following regulations:

- (A) *Location.* SWES may be located on property of no less than one acre.

-
- (B) *Tower height.* The height of a SWES shall be measured from the ground to the blade extended at its highest point. A single-family residential use shall have a maximum height of 35 feet with a maximum blade length of four feet and a maximum nameplate capacity of one kW. A commercial and industrial use shall have a maximum height of 50 feet with a maximum blade length of ten feet and a maximum nameplate capacity of ten kW.
 - (C) *Setback.* SWES shall be setback from all property lines, above-ground utility lines, and roadways, a distance no less than 110 percent of the tower height. Any application that is a part of SWES including guy wires, shall be setback from all property lines no less than 30 feet.
 - (D) *Restriction.* No SWES shall be permitted in any front yard.
 - (E) *Color.* SWES shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of its surroundings.
 - (F) *Illumination.* No SWES shall be lighted, except as required by the FAA.
 - (G) *Noise level.* Audible sound from a SWES shall not exceed 25 dBA in residential districts or 50 dBA in all other districts, as measured at the exterior of any occupied building on an adjacent or neighboring property. Methods for measuring and reporting acoustic emissions from SWES shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association Standard 2.1 — 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
 - (H) *Turbine blade location.* At its lowest point, the tip of any turbine blade shall be no less than 15 feet above the surface of the ground.
 - (I) *Access.* Access to SWES shall be controlled in a manner consistent with local building codes.
 - (J) *Installation.* No SWES shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 - (K) *Removal.* If any SWES is not operational for a period exceeding 12 consecutive months, the landowner may be required to remove the SWES at their expense.

(Ord. 1939, passed 5-11-2009; Ord. O-18-03, passed 4-10-2018)

Sec. 55.07 Disconnection, termination, modification and assignment.

- (A) *Disconnection.*
 - (1) The utility may disconnect, interrupt, or reduce deliveries from the eligible renewable electrical generating facility upon any of the following conditions, but must reconnect the eligible renewable electrical generating facility once the condition is cured:
 - (a) For scheduled outages, provided that the eligible renewable electrical generating facility is treated in the same manner as utility's load customers;
 - (b) For unscheduled outages or emergency conditions;
 - (c) If the eligible renewable electrical generating facility does not operate in the manner consistent with the net metering agreement;
 - (d) Improper installation or failure to pass the witness test;
 - (e) If the eligible renewable electrical generating facility is creating a safety, reliability or a power quality problem; or

-
- (f) The interconnection equipment used by the eligible renewable electrical generating facility is de-listed by the Nationally Recognized Testing Laboratory that provided the listing at the time the interconnection was approved.
 - (2) Should customer's net metering facilities be declared to be unsafe by the utility, it shall be deemed to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the city's Building Code.
 - (B) *Termination.* Th net metering agreement may be terminated under the following conditions:
 - (1) *By customer.* The customer may terminate any net metering agreement by providing 30 days' prior written notice to the utility. If the interconnection customer ceases operation of the eligible renewable electrical generating facility, the customer must notify the utility.
 - (2) *By the utility.* The utility may terminate any net metering agreement if the customer fails to remedy a violation of terms of the agreement within 30 calendar days after notice, or such other date as may be mutually agreed to prior to the expiration of the 30 calendar day remedy period. The termination date may be no less than 30 calendar days after the customer receives notice of its violation from the utility.
 - (C) *Modification of eligible renewable electrical generating facility.* The customer must receive written authorization from the utility before making any changes to the eligible renewable electrical generating facility that could affect the utility's distribution system. If the customer makes such modifications without the utility's prior written authorization, the utility shall have the right to disconnect the eligible renewable electrical generating facility immediately.
 - (D) *Permanent disconnection.* In the event the net metering agreement is terminated, the utility shall have the right to disconnect its facilities or direct the customer to disconnect its eligible renewable electrical generating facility.
 - (E) *Assignment/transfer of ownership of the eligible renewable electrical generating facility.* A net metering agreement shall terminate upon the transfer of ownership of the eligible renewable electrical generating facility to a new owner unless the transferring owner assigns the agreement to the new owner, the new owner agrees in writing to the terms of the agreement, and the transferring owner so notifies the utility in writing prior to the transfer of ownership.
- (Ord. O-18-03, passed 4-10-2018)

Sec. 55.08 Terms and conditions.

- (A) *Governing law, regulatory authority, and rules.* The validity, interpretation and enforcement of a net metering agreement and each of its provisions shall be governed by the Codes and Regulations of the City of Geneseo as well as the laws of the State of Illinois. Nothing in any agreement is intended to affect any other agreement between the utility and the customer.
- (B) *Delegation.* The Director of Electrical Operations is hereby authorized and empowered to prepare a standard net metering agreement which is not inconsistent with this Chapter. The Director of Electrical Operations, or his/her designee, and the City Attorney are empowered to enforce the net metering agreement according to its terms.
- (C) *Survival rights.* Net metering agreements shall remain in effect after termination to the extent necessary to allow or require either party to fulfill rights or obligations that arose under the agreement.
- (D) *Force majeure.* Neither party shall be liable to the other for, or be considered to be in breach of or default under a net metering agreement because of any failure or delay in performance by such party under the agreement to the extent that such failure or delay is caused by or results from any such cause or condition

which is beyond such party's reasonable control, or which such party is unable to prevent or overcome by exercise of reasonable diligence, including breach of contract or failure of performance by any person providing services to the utility.

- (E) *Entire agreement.* Net metering agreements and any exhibits, policies, and applications set forth the entire agreement of the parties and supersede any and all prior agreements with respect to the subject matter for the agreement. The rights and obligations of the parties under the agreement shall be subject to and governed by this chapter. Any conflicts between this chapter and a net metering agreement shall be resolved in favor of this chapter.
- (F) *Independent contractors.* The parties to net metering agreements are independent contractors and shall not be deemed to be partners, employees, franchisees, or franchisors, servants or agents of each other for any purpose under or in connection with any agreement.
- (G) *Notice.* The parties may mutually agree to provide notices, demands, comments, or requests in writing by electronic means such as e-mail. Absent agreement to electronic communication, or unless otherwise provided in a net metering agreement, all applications and any written notice, demand, or request required or authorized in connection with net metering agreements shall be deemed properly given if delivered in writing, in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:
 - (1) If to customer: Use the contact information provided in the customer's application. The customer is responsible for notifying the utility of any change in the contact party information, including change of ownership.
 - (2) If to utility: Use the contact information provided below. The utility is responsible for notifying the customer of any change in the contact party information.

Name: Director of Electrical Operations

Mailing Address: 115 S. Oakwood Ave.

City: __Geneseo____ State: __IL____ Zip Code: 61254

Telephone (Daytime): _309-944-6419____ (Evening): 309-944-3033

~~Fax Number:~~ _____ E-Mail Address: utilities@cityofgeneseo.com.

(Ord. O-18-03, passed 4-10-2018)

Sec. 55.99 Penalty.

Any person violating any provision of this chapter shall be fined not less than \$25.00 per day nor more than \$500.00 per day.

(Ord. O-18-03, passed 4-10-2018)