

**VILLAGE OF PECATONICA
ORDINANCE NO. 2025-02**

**AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF ORDINANCES
OF THE VILLAGE OF PECATONICA, ILLINOIS BY CREATING §153.012
REGARDING REGULATION OF THE LOCATION OF COMMUNITY SOLAR
ENERGY SYSTEMS WITHIN THE VILLAGE**

WHEREAS, Chapter 153 of the Code of Ordinances of the Village of Pecatonica, Illinois ("Village") authorizes the Village Board to regulate zoning within the Village of Pecatonica; and

WHEREAS, the Village desires to amend the provisions of Chapter 153 to include the regulation of the location of commercial solar energy systems within the Village; and

WHEREAS, the creation §153.012 of the Village Code will provide for the regulation of the location of commercial solar energy systems within the Village; and

WHEREAS, the Village finds that it is in the best interest of its citizens to enact the above described ordinance and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PECATONICA, WINNEBAGO COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein and made a part hereof.

Section 2. That Chapter 153, §153.012, Commercial Solar Energy Systems, of the Village Code is hereby created to read **in its entirety** as follows (additions shown as **bolded** and **underlined** and ~~deletions~~ as ~~strikethroughs~~):

§153.012 Commercial Solar Energy Systems.

(A) **Commercial Solar Energy Systems ("CSES") as defined in this section shall be permitted to be constructed or operated within the corporate boundaries of the Village only if they are in compliance with the requirements set forth in this §153.012. The provisions of this article shall apply to any applicant for a CSES on property subject to a pre-annexation agreement or an annexation agreement and is within one and one half (1½) miles of the corporate boundaries of the Village.**

(B) **Definitions.**

- 1) Solar Panel—a structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create useable electrical energy.
- 2) Solar Collector—a device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical, or electrical energy.
- 3) A CSES is defined as a Community Solar Panel or Utility Scale Solar Panel, as defined following in paragraphs 4 and 5.
- 4) Community Solar Panel—a solar panel system where a combination of several entities (residents, businesses, governments) have partial interest in the output of a system—limited to ten (10) acres.
- 5) Utility Scale Solar Panel—a large solar panel system that does not serve an individual customer and is located near electrical infrastructure—limited to twenty-five (25) acres.

(C) General Provisions and Permitting.

No person or business shall construct a Commercial Solar Energy System (CSES), as defined in this chapter, without first obtaining a building permit from the Village Clerk's office. The general design and permitting standards applicable to all construction, maintenance and repair work in the Village of Pecatonica shall apply to the installation of the CSES including, but not limited to, the current Mechanical and Electrical Codes. All applications for a CSES must be accompanied by a pre-annexation agreement or an annexation agreement acceptable to the Village. CSES are allowed as a special use only in the zoning districts set forth in 153.040, and all applicants for a special use permit for an CSES shall comply with the application process set forth in the Village Code Ordinances. No CSES shall be permitted in any residential zoning district. Any CSES installation must be 50 feet from an adjoining property and 250 feet from any property zoned residential or commercial under the Village zoning code and must also meet setback requirements for the zoning district and primary land use associated with the property on which the CSES is located. The owner/operator of any CSES installation shall not have the right to limit adjacent property owners or tenant future construction of any ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of the CSES such as casting shadows on a solar panel or panels in the CSES.

(D) Plan Review.

The Village Building Enforcement Officer or Building Inspector shall review the submitted plan before any permit is issued for a CSES begins. The submitted plan for the CSES shall contain:

- (1) Plan layout/diagram of proposed installation, to scale, including location of all solar arrays, any structures, property lines, rights of way, service roadways, zoning and uses of adjacent property, floodplains, wetlands and all other protected natural resources, topography, electrical equipment, and all other characteristics requested by the Village;
- (2) Name, address, and phone number of the property owner(s);
- (3) Name, address, and phone number of applicant, if different from the property owner;
- (4) Decommissioning plan as described in Section F below;
- (5) Location of the electrical disconnect for the SES;
- (6) Name, address, and phone number of the CSES installer;

(E) Effect on Adjacent Property.

No CSES shall have any negative effect on adjacent property that may be created in the form of increased drainage runoff, shade or reflected sunlight from the solar panels. Additionally, all solar energy systems shall be designed to be screened from routine view from public rights-of-way and residential uses on adjacent parcels. All CSES installations shall be set back from the screening device or landscaping so as not to affect the operation of the system. Any lighting required shall be installed for safety and security purposes only, and all lighting shall be shielded so that no glare extends beyond the boundaries of the CSES.

(F) Decommissioning Plan.

A Decommissioning Plan shall accompany all permit requests and detail plans to remove all equipment associated with the CSES within twelve (12) months of cessation of use. The owner or operator of any CSES which ceases to produce electricity on a regular basis for more than twelve (12) months shall remove all solar panels along with any mounting hardware, foundations and exposed wiring and restore the property to its original condition without any expense of the landowner on which the CSES is located or the general public within six (6) months of the cessation of the production of electricity or the abandonment of the CSES. Should the owner/operator of the CSES fail to remove all CSES equipment in accordance with this Section, the Village may take legal action in a court of competent jurisdiction to

force the removal and may seek to cover the cost of removal including attorneys' fees incurred.

(G) Interconnection with Public Utilities.

All grid-connected solar energy systems shall comply with the interconnection requirements of the electric utility. An interconnection agreement must be completed with the electric utility in whose service territory the system is located prior to the issuance of a building permit. Power and communication lines running between banks of solar panels shall be buried underground. Power and communication lines running to nearby electric substations or interconnections with buildings shall be buried underground to the extent practicable, subject to utility requirements.

Section 3. To the extent this Ordinance contradicts any previous orders, resolutions, ordinances or parts of orders, resolutions and ordinances of the Village, this Ordinance shall control and all other orders, resolutions, ordinances or parts of orders, resolutions, and ordinances in conflict herewith are hereby repealed insofar as such conflicts exist.

Section 4. All other orders, resolutions ordinances or parts of orders, resolutions, and ordinances of the Village of Pecatonica, Illinois not in conflict with this Ordinance shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the President and Board of Trustees of the Village of Pecatonica this 3 day of April, 2025

APPROVED by the President of the Village of Pecatonica, Illinois, this 3 day of April, 2025

BY: _____
THOMAS HEISTER, Village President
Village of Pecatonica, Illinois

ATTEST:

BY: _____
DARLA STRAM, Village Clerk
Village of Pecatonica, Illinois

AYES:4

NAYS:0 _____

ABSENT/
ABSTAIN:2 _____