CITY OF PROSPECT
ORDINANCE NO. 631, SERIES 2023

AN ORDINANCE RELATING TO THE REGULATION OF SOLAR INSTALLATIONS AND CREATING A NEW CHAPTER 162 OF THE CITY OF PROSPECT CODE OF ORDINANCE FOR THAT PURPOSE

WHEREAS, the Prospect City Council is concerned about the property values in the city as well as the public health and safety of its citizens and the enforcement of city ordinances; and

WHEREAS, the city desires to establish a regulation requiring compliance with city ordinances relating to the safe, well-designed solar power installations in the city, with such authority promulgated in the general police power of the city under KRS 82,082, as well as under the authority of the Kentucky Revised Statutes Chapter 198B allowing local enforcement of Kentucky Building Code and finally the authority given the city under KRS 381.770 to enact regulations restricting nuisances,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:

SECTION 1: A new section, Chapter 162 of the City of Prospect Code of Ordinances is hereby created to read as follows:

§162.01 REQUIREMENTS FOR SOLAR PANEL INSTALLATIONS.

(A) Review and application

(1) Purpose. The purpose and intent of this section is to allow the use of solar energy within the city as a clean, alternative energy source, and to provide regulations that will protect public health, safety, and welfare. Therefore, no person shall construct, erect, maintain, extend, or remove a solar collector or solar energy system in the residentially zoned sections of the city without compliance with the provisions of this section.

(2) Application. Commercial and residential solar installations require a letter of compliance from the city. An application for a letter of compliance shall include the following:

(a) Applicant shall file with the City Clerk an application on a form prescribed by the city and pay the filing fee of $300.

(b) The application shall include photographs of the property's existing conditions, including renderings or catalog cuts of the proposed solar energy system. A plot/sketch plan to indicate the elevation of where the solar energy system is to be installed on the building and include property setbacks and the total solar collector surface area.

(c) For pitched roof-mounted solar systems, the elevation must show the highest finished height of the system and the height of the finished roof surface on which it is mounted.

(d) For flat roof-mounted solar energy systems, the elevations shall show the highest finished height of the system and the highest point of the roof, including any parapets on the building.

(B) Design

(1) Design regulations

(a) Ground-mounted solar energy systems are prohibited in residential use districts, only roof-mounted collectors are allowed.

(b) No permit shall be issued until a plan of such device(s) showing the location, material, and type of construction is delivered to and approved by the Mayor or his or her designee, and such location thereof is in keeping with and does not detract from the surrounding neighborhood, and is located so as not to be installed on the primary residence's roofline facing the street or seen from the primary residence's street address facade.

(c) Any appurtenant equipment shall be set back a minimum of 15 feet from all property lines and a minimum of 30 feet from all dwellings located on adjacent lots. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(d) Solar collectors shall be flush mounted on pitched roofs. Solar collectors may be bracket-mounted on flat roofs. Solar collectors may only be mounted on lawfully permitted principal or accessory structures.

(e) All solar energy systems shall use colors that blend with the color of the roof or other structure. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.

(f) No signage or graphic content may be displayed on the solar collection system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.

(g) Standards and certification. Solar energy systems shall meet the minimum standards outlined by the National Electric Code (NEC), Institute of Electrical and Electronics Engineers (IEEE) and the Underwriters Laboratory (UL) or other standards as determined by the Planning Commission. Solar energy systems shall be certified by Underwriters Laboratories, Inc. All grid-connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.

(h) If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and constitute a public nuisance. The owner shall remove any abandoned system at their expense. Removal includes the entire structure including transmission equipment.

§162.02 PENALTIES

(A) Any person who violates any provision of this Ordinance shall be fined not less than $100.00 nor more than $500. Any continuing violation of this Ordinance shall be considered a separate and distinct offense on each day a violation occurs or continues, and a separate penalty may be imposed.

SECTION 2: That this Ordinance shall take effect from and after its passage, signing, and publication as required by law.

First Reading this 21st day of August 2023

Passed on Second Reading this 18th day of September 2023.

By a vote of 5 aye and 0 nays of the City Council.

APPROVED:

Douglass Farnsley
Mayor

ATTEST:

John S. Carter
City Clerk