



Buffalo County Ordinance

Drafted By: Cale Severson
Month/Year: March 2026
Committee: Land Mgt. Comm.

Department: Zoning
Fiscal Impact: Yes/No

Ordinance # 26-03-06

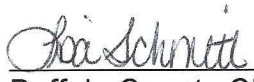
An Ordinance to Amend Ordinance # 24-03-03 "Buffalo County Solar Ordinance"

Whereas, the Buffalo County Land Management Committee has reviewed suggested changes to the ordinance as shown on the attachment labeled as Exhibit D, and;

Now, Therefore Be It Resolved, that the Buffalo County Board of Supervisors hereby adopts and ordains the Buffalo County Solar Ordinance amendments as outlined in the attached Exhibit D.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on this 23rd day of March, 2026.

ATTEST:


Buffalo County Clerk


Buffalo County Chairperson

Land Management Committee:


Max Weiss


Robert Sendelbach


Gary Stanton


Chris Lindstrom


William Bruegger


Joe Bragger

BUFFALO COUNTY SOLAR ORDINANCE

Adopted by the Board of Supervisors of Buffalo County

Ordinance no. _26-03-06_____

Exhibit D



ACKNOWLEDGEMENT

In recent years, Buffalo County has seen an increase in inquiries about solar energy and development. In an effort to set requirements and standards for solar development in Buffalo County, the Department of Land Management worked to create a Solar Ordinance to establish these requirements to preserve the public health and safety of Buffalo County residents. Thank you to all who contributed to the drafting, revising, and establishment of this ordinance.

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BUFFALO COUNTY ZONING DEPARTMENT STAFF

Cale Severson – Land Management Director
 Abigail Soderberg – Administrative Assistant
 Brock Lederman – Zoning Specialist
 Steven Wall – Zoning Technician

COORDINATING STAFF

Nathan Machula – GIS/Land Information Officer

BUFFALO COUNTY OFFICE OF CORPORATION COUNSEL

Tom Bilski – District Attorney

BUFFALO COUNTY ZONING DEPARTMENT

ADMINISTRATION

Cale Severson
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Inquiries about this ordinance may be directed to:

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BUFFALO COUNTY SOLAR ORDINANCE

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Buffalo County Solar Ordinance

2024-1.00 Solar Panel and Solar Farm Ordinance

2024-1.01 Title

This ordinance shall be known as, referred to, or cited as the Solar Panel Ordinance, County of Buffalo, Wisconsin.

2024-1.02 Purpose

The purpose of this ordinance is to provide a regulatory means for the siting, construction, and operation of both small- and large-scale solar installations in the County of Buffalo, subject to reasonable restrictions, which will preserve the public health and safety. Roof mounted and wall mounted solar arrays to not fall within this ordinance.

2024-1.03 Findings of Fact

1. These regulations are adopted under the authority granted pursuant to Wisconsin Statute 66.0401 (2009) which provides regulation related to solar and wind energy systems.
 - a. Sec. 66.0401 Wis. Stats: Authority to Restrict Systems Limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in Wis Statutes 13.24 (2)(h)1. g. Wis Stats, unless it satisfies one of the following conditions:
 - i. Serves to preserve or protect public health or safety.
 - ii. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - iii. Allows for an alternative system of comparable cost and efficiency.

2024-1.04 Definitions

1. As used in this Ordinance, the following terms shall have the meanings indicated:
 - a. ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.
 - b. GLARE: The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
 - c. ONSITE: The power generated on a parcel to be used on this same parcel.
 - d. OWNER: A person or entity or agent or representative thereof with an equity interest in the solar energy system
 - e. PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or

more free-standing ground mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

- f. SCREEN: A natural vegetation barrier consisting of trees, bushes, or other natural vegetation such as evergreens that has the capability to effectively shield the site visually. None of which shall be on the State’s invasive species list.
- g. SOLAR ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.
- h. SOLAR CELL: The basic solar device which collects solar energy.
- i. SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.
- j. SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.
- k. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.
- l. SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.
- m. SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.
- n. STAND ALONE ENERGY SYSTEM: Any solar system that does not tie into the power grid or to a habitable structure.

2. Calculation Conversion Chart (as of January 2024):

1 MEGAWATT = 190 HOMES POWERED
100 MEGAWATTS = 19,000 HOMES POWERED
1 MEGAWATT = 5 ACRES

2024-1.05 General Requirements

- 1. Both ASES and PSES shall be referred to as a “solar energy system”.
- 2. Structural and electrical engineering is required for both ASES, PSES and any other solar energy system that co-mingles with utility power.
- 3. The solar layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), National Electrical Code (NEC), and State of Wisconsin Electrical Code or other similar certifying organizations, and shall comply with the WI Uniform Construction Code as enforced by Buffalo County Zoning Department,

and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application. Upon completion of installation, the solar system shall be maintained in good working order under which the solar array was constructed. Failure of the solar energy system owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the Buffalo County Zoning Department in accordance with applicable ordinances. It shall be the responsibility of the installing company/operator to train and/or cover the costs of training for all local emergency services on responding to on-site emergencies.

4. Permit Requirements

- a. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines.
 - i. Permits must be kept on the premises where the solar energy system is constructed.
 - ii. Setbacks shall be on a case-by-case basis and aim to be fifty (50) feet from any non-participating property line for ground mounted panels. This setback to panel structure shall be to guarantee solar access to sunlight and to allow for fences, screening and emergency vehicle access to perimeter of solar field. Minimum setbacks of structures shall be the setbacks as set forth in the zoning district.
- b. The zoning permit shall be revoked if the solar energy system, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance. In the event of a violation of any of the foregoing provisions, the Zoning Department shall give written notice specifying the violation to the owner of the solar energy system to conform or to remove the solar energy system within [90] days of receiving the notice.
- c. The solar energy system must be properly maintained according to industry standards as needed to keep the solar energy system in good repair and operating condition, and that it shall be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Department shall give written notice specifying the violation to the owner of the solar energy system to conform or to remove the solar energy system within [90] days of receiving the notice.]
- d. A certified plan must be stamped and approved by a Professional Engineer and on file with the Buffalo County Zoning Department to ensure safety of all wiring and energy transference.

5. Decommissioning & Demolition

- a. A demolition/raze permit is required for all decommissioning/demolition.

- b. Any foundations, equipment, or wiring must be removed at the close of the decommissioning to a depth of 36 inches (three feet) from ground surface or subject to landowner waiver.

2024-1.06- Accessory Solar Energy Systems (ASES)

Regulations Applicable to All Accessory Solar energy systems:

1. Best management practices shall be used to minimize erosion on and off the site. Any development over 12% shall submit a steep slopes development plan prior to permit issuance.
2. Any and all disputes shall go before the Board of Adjustments for final determination.
3. ASES shall be permitted as a use in all zoning districts.
4. Exemptions
 - a. ASES legally 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 ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
5. All on-site utility, transmission lines, and piping/plumbing shall be placed inside the structure or underground to the extent feasible.
6. The owner of an ASES shall provide the Zoning Department written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
7. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
8. Glare
 - a. All ASES shall be designed to minimize or mitigate the projection of concentrated solar radiation or glare onto nearby structures or roadways to the extent practicable.
 - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
9. Decommissioning
 - a. The ASES owner is required to notify the County within 30 days upon cessation or abandonment of the operation.
 - b. The ASES shall be presumed to be discontinued or abandoned if its output fails to meet or exceed 25% of nameplate capacity at least once in a continuous twelve (12) month period.
 - c. The ASES owner shall then have twelve (12) months from discontinuance or abandonment in which to dismantle and remove the ASES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or

remove the ASES within the established timeframes, Buffalo County may complete the decommissioning at the owner's expense.

- d. The ASES owner shall, at the request of the County, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

10. Ground Mounted Accessory Solar energy systems:

- a. Setbacks
 - i. Must meet the required setback for an accessory structure per the applicable zoning district.
 - ii. Zoning Department may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively. The Zoning Administrator has the authority to apply requirements/conditions for vegetative screening.
- b. Height
 - i. Ground mounted ASES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.
- c. Coverage
 - i. The area beneath the ground mounted ASES is considered a pervious surface. However, use of the impervious construction materials under the system could cause the area to be considered impervious.
 - ii. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than twenty (20) percent of the lot area.
 - iii. The applicant shall submit a Storm Water Management Plan that demonstrates compliance with the Buffalo County Storm Water Management regulations.
- d. Screening
 - i. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes.
 - ii. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- e. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

2024-1.07 Principal Solar Energy Systems (PSES)

- 1. Buffalo County Land Management shall have the authority for on-site and aerial inspections during the entirety of the application and permit duration.
- 2. Any and all disputes regarding a PSES permit that are within the jurisdiction of the County Board of Supervisors shall go before the Board of Adjustments for final determination.

3. Application Process Flow-

- a. A Board of Adjustment hearing will be scheduled upon an application being deemed complete by the Department. The application will be deemed complete within 30 days of receiving the necessary documents. The Department has 30 days in which to schedule said hearing upon receiving the complete application. A complete application shall include the following:
 - i. Proof that an owner used reasonable methods to provide written notice of the planned renewable energy system to all of the following:
 1. Landowners within a half mile of a planned host property.
 2. Town(s) where the energy system may be located.
 3. Emergency first responders serving the areas where the energy system may be located.
 4. The Wisconsin Department of Transportation.
 5. The Public Service Commission of Wisconsin.
 6. The Wisconsin DNR.
 7. The Wisconsin Department of Agriculture, Trade and Consumer Protection.
 8. The office of the deputy undersecretary of the U.S. Department of Defense.
 - ii. A Town's Acknowledgement Form
 - iii. Correct fee as established by the County Board of Supervisors
 - iv. Completed Conditional Use Permit Application
4. The owner shall provide annual training for the county's emergency management department, sheriff's office, and any other fire, police, or other first responder identified in the owner's emergency action plans unless otherwise approved by the Board of Adjustment based on the information provided in the application. The owner shall provide up to eight hours of training each calendar year based on the need for the training and requests from local emergency management officials, and the owner is responsible for all direct training costs unless otherwise approved by the Board of Adjustment based on the information provided in the application.
5. The owner shall reimburse the County for all reasonable costs incurred in response to an onsite emergency unless the emergency is a result of the intentional, unlawful, or negligent actions of someone other than the Owner or an agent of the Owner.
6. Prior to the commissioning of the PSES, an owner shall create an emergency action plan and distribute a copy of its emergency plans to the following:
 - a. Buffalo County Emergency Management.
 - b. Buffalo County Sheriff's Office.
 - c. Clerk for any town which its renewable energy systems are located or that are within one-half mile of any of its facilities.
 - d. Clerk for any village or city within one-half mile of any of its renewable energy systems facilities.
 - e. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans as set forth above.

7. Best management practices shall be used to minimize sediment erosion on and off the site. Any development over 12% shall submit a steep slopes development plan prior to permit issuance.
8. Regulations applicable to all principal solar energy systems
9. PSES shall be permitted by conditional use in all Zoning Districts
10. Exemptions
 - a. PSES 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 PSES, whether or not existing prior to the effective date of this section that materially alters the PSES shall require approval under this ordinance. Routine maintenance or like-kind replacements do not require a permit.
11. All on-site wiring, cabling, and piping/plumbing lines, with the exception of generation tie lines and connections between panels, shall be placed inside the structure or underground and routed to minimize land disturbance to the extent practicable considering other relevant factors such as environmental impacts and landowner preferences.
12. The owner of a PSES shall provide the Buffalo County Zoning Department with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
13. No portion of the PSES 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 PSES provided they comply with the prevailing sign regulations.
14. Glare
 - a. All PSES shall be designed to minimize or mitigate the projection of concentrated solar radiation or glare onto nearby dwellings or roadways to the extent practical
 - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
15. The noise levels generated by a PSES shall be of a level that protects public health and safety.
 - a. A permit application must include estimated noise generated by the PSES at the nearest point of the neighboring property line unless the adjacent property owner owns property that is part of the project or has provided a written waiver of this requirement to the owner.
 - b. For the purpose of evaluating PSES permit applications, the Board of Adjustment will consider a project that generates less than 45 dBA at the nearest point of the neighboring property line, based on one-hour L_{EG} , as adequately protecting public health and safety based on noise. Should the ambient sound pressure level excluding the PSES exceed 45 dBA 1 hr. L_{EG} , a project that generates less than the ambient dBA plus 5dBA 1-hr L_{EG} shall be considered as adequately protecting public health and safety based on noise.
16. The PSES owner and/or operator shall maintain a phone number and identify the 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 Department. The PSES owner

and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

- a. Maintenance, condition, and output records must be submitted to the town biannually for review. The records will be kept on file and available for public review subject to Wis. Stat. §§ 19.31-19.39.

17. Decommissioning/Demolition

- a. The PSES owner is required to notify Zoning Department within 30 days upon discontinuance or abandonment of the operation.
- b. The PSES shall be presumed to be discontinued or abandoned if its output fails to meet or exceed 25% of nameplate capacity at least once in a continuous twelve (12) month period.
- c. A demolition/raze permit from the Zoning Department is required for all decommissioning and demolition.
- d. The PSES owner shall have twelve (12) months from the discontinuance or abandonment in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property, unless a written waiver is obtained from the landowner and subject to section [1.05.5.b] of this Chapter. If the owner fails to dismantle and/or remove the PSES within the established timeframes, Buffalo County may complete the decommissioning at the owner's expense.
- e. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the County to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition. This financial security shall be the average of at least 2 qualifying estimates of removal and disposal. It shall also be reviewed every 5 years and updated. **This timeline may be shortened by the county as deemed necessary due to factors outside the county's control, such as: inflation, market changes, equipment aging, updated restoration costs, change in technologies or other factors.**
Financial Security shall be:
 - i. 25% prior to the start of construction.
 - ii. 50% after two (2) years.
 - iii. 100% at the conclusion of 5 years of operation.

18. Permit Requirements

- a. PSES shall comply with Buffalo County Comprehensive Land Use plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain, and replace the PSES and related equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
- c. PSES shall be effectively fenced around the perimeter. Unless otherwise approved by the Board of Adjustment based on the information provided in the application, the PSES shall include a perimeter fence with a minimum height of eight (8) feet that is

made of steel wire. The wire shall not be of barbed wire or woven wire designs. The fencing shall preferably use wildlife friendly fencing standards that includes passage of small animals such as rabbits and raccoons. Such fencing shall effectively keep large animals such as deer out of the enclosure. It shall be upon the operator to see that entrapped animals are released in a timely fashion. If wild animals such as deer have entered the enclosure, those animals shall be removed within 24 hours or be reported immediately to local wildlife authorities pursuant to Wis. Stat. § 169.04. The fencing shall not cross navigable waters unless permitted by the Wisconsin Department of Natural Resources.

- d. Any such system including but not limited to solar panels, fencing, access roads, etc. shall all adhere to Floodplain and Shoreland Ordinances
- e. The County shall be notified before any permit transfer takes place. The new permit holder is responsible for providing updated financial security, consistent with section [1.07.17] of this chapter, and assuming decommissioning obligations incorporated into the permit. Financial security of the previous owner will not be released until the new owner has provided to the County new financial security and updated and all existing plans corresponding to the operation of the facility

19. Ground Mounted Principal Solar energy systems:

- a. Setbacks
 - i. Setbacks for PSES panels shall be consistent with the setbacks for the applicable Zoning District. The Board of Adjustment may require more restrictive setbacks than provided in the applicable Zoning District if necessary to preserve or protect the public health or safety based on the information provided in the application.
 - ii. However, for the purpose of evaluating PSES permit applications, the Board of Adjustment will consider PSES panels that are setback fifty (50) feet from non-participating property lines as adequately preserving and protecting public health and safety. The Board of Adjustment will also consider the PSES as adequately preserving and protecting public health and safety if a landowner has consented to a setback of less than 50 feet from the property line to the PSES panels.
 - iii. For the purpose of evaluating PSES permit applications, the Board of Adjustment will consider PSES panels that are setback two hundred and fifty (250) feet from non-participating dwellings as adequately preserving and protecting public health and safety. The Board of Adjustment will also consider the PSES as adequately preserving and protecting public health and safety if the dwelling owner has consented to a setback of less than 250 feet from the dwelling to the PSES panels.
 - iv.
 - v. For the purpose of evaluating PSES permit applications, the Board of Adjustment will consider PSES panels that are setback one hundred and fifty (150) feet from State and County Road centerlines or one hundred (100) feet from all other roads to adequately preserve and protect the public health and safety. The Board of Adjustment may determine that

vegetative or other screening is necessary for setbacks that are less than those listed in paragraphs ii through iv, based on the information provided in the application.

b. Height

- i. The Board of Adjustment may limit the maximum height for PSES structures in order to preserve or protect the public health and safety. For the purpose of evaluating PSES permit applications, the Board of Adjustment will consider ground mounted PSES that do not exceed fifteen (15) feet in height to the top of the panels at maximum angle as adequately preserving and protecting the public health and safety.

c. Impervious Coverage

- i. The area beneath the ground mounted PSES is considered a pervious surface. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations.
- ii. The applicant shall submit a storm water management plan that demonstrates compliance with Buffalo County municipal storm water management regulations. Any disturbance over one (1) acre requires coverage under a WDNR stormwater permit before construction.
- iii. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
- iv. PSES owners shall maintain, throughout the duration of operation, natural vegetation within the site to minimize erosion, manage runoff, and improve soil health.

20. Ground mounted PSES shall be screened from adjoining residential uses or zones consistent with the requirements of the applicable Zoning District.

21. Ground-mounted PSES shall not be placed within any existing legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

22. Security

- a. All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

23. Access

- a. At a minimum, a twenty-two (22) feet wide access road must be provided from a state/county or Township for access to the site. Meet driveway standards.
- b. At a minimum, a twenty-two (22) feet wide cart way shall be provided between groupings of solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway

width is the distance between the bottom edges of solar panel frames to the top edges of the solar panel frame directly across from it.

24. The ground mounted PSES shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority.
25. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be restored, returning it to the condition, topography, and use it was in prior to the PSES installation and what is deemed suitable by the Zoning Administrator, subject to landowner waiver
26. Decommissioning/Demolition
 - a. The PSES owner is required to notify the Zoning Department within 30 days upon discontinuation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if its output fails to meet or exceed 25% of nameplate capacity at least once in a continuous twelve (12) month period.
 - b. A permit from the Zoning Department is required for all decommissioning and demolition.
 - c. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to structural repair of buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property, , unless a written waiver is obtained from the landowner and subject to section [1.05.5.b] of this Chapter. If the owner fails to dismantle and/or remove the PSES within the established timeframes, Buffalo County may complete the decommissioning at the owner's expense.