

**CITY OF HURSTBOURNE**  
**ORDINANCE #21-06, SERIES 2021**  
**AN ORDINANCE ESTABLISHING LETTER OF COMPLIANCE/APPROVAL**  
**REQUIREMENTS FOR SOLAR INSTALLATIONS**

**WHEREAS**, the Commission of the City of Hurstbourne 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 being found in the general police powers of the City under KRS 82.082, as well as under the specific authority of Kentucky Revised Statutes Chapter 198B allowing local enforcement of the 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 Hurstbourne that:

**SECTION 1: Review and Application.**

**(A) Purpose.** The purpose and intent of this subchapter is to allow the use of solar energy within the City of Hurstbourne 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 of Hurstbourne without compliance with the provisions of this ordinance.

**(B) Application.** Residential solar installations require a Letter of Compliance from the City of Hurstbourne. An application for a Letter of Compliance shall include the following:

1. Applicant shall file with the City Clerk an application on a form prescribed by the City and pay the filing fee of \$300.00.
2. 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 where the solar energy system is to be installed on the building, including property setbacks and the total solar collector surface area.
3. 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.
4. 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.

5. Description of the screening to be provided for ground or building mounted solar energy equipment.
6. Any solid and hazardous waste generated during installation or removal of the system, shall be disposed of in accordance with local, state, and federal waste disposal regulations.
7. The collection panels shall be located to minimize reflected glare on adjacent properties and roadways.
8. The applicant shall supply with its application a statement that they have served, either personally or by first class mail, or hand delivery all immediately adjoining property owners with a notice that the applicant would be filing an affidavit pursuant to this section with the City Clerk and that they would have 30 days to review same and make any objections thereto by filing same with the City Clerk.

## **SECTION 2: Design.**

### **(A) Design Regulations:**

1. Ground mounted solar energy systems are prohibited in residential use districts, only roof mounted collectors are allowed.
2. 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.
3. 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.
4. 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.
5. The electrical lines connecting to the system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
6. 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.



7. 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.
8. 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 shall constitute a public nuisance. Owner of any home at which there exists a solar installation shall complete and file with the City an annual certification that their system is still operational and functioning, including supporting documentation, such as utility bills. If no certification is filed, or the certification is insufficient, the City shall have a right to inspect the premises to determine whether it is functioning and/or demand further documentation from the owner as to the operational status of the solar installation. The owner shall remove any abandoned system at their expense, after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

### **SECTION 3. Penalties:**

1. Any person who shall violate any provision of this Ordinance shall be fined not less than \$20.00 nor more than \$100.00. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

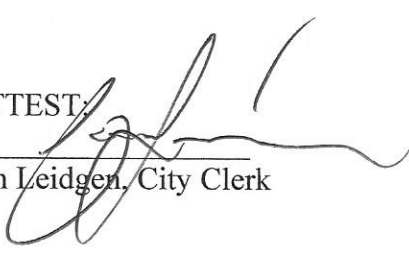
This ordinance shall take effect immediately upon its adoption, passage, and publication.

First Reading            May 11, 2021

Second Reading        May 25, 2021

Passed and approved this the 25<sup>th</sup> day of May, 2021.

ATTEST:

  
Jim Leidgen, City Clerk

  
Mary Mesick Mayor

Those in Favor 4

Those Opposed 0