

RESOLUTION NO. _____

A resolution to amend the Dexter Township Zoning Ordinance to regulate the development of certain energy facilities within the Township through a workable ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**SECTION 1. MODIFY SECTION 2.02 DEFINITIONS, SUB-SECTION (R)
TO ADD RENEWABLE ENERGY FACILITY DEFINITIONS**

- 6) **Renewable energy facility:** an energy storage facility, solar energy facility, or wind energy facility. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid. A renewable energy facility does not include accessory solar energy systems, experimental wind energy conversion systems, micro wind energy conversion systems and small wind energy conversion systems.
 - a) **Aircraft Detection Lighting System:** A sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.
 - b) **Ambient Sound Level:** The L90 A-weighted sound pressure emissions level; the level of sound exceeded ninety 90 percent of the time
 - c) **Dark sky-friendly lighting technology:** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
 - d) **Energy Storage Facility:** A system that absorbs, stores, and discharges electricity with a nameplate capacity of 50 megawatts or more and an energy discharge capacity of 200 megawatt hours or more. Energy storage facility does not include either of the following: fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.
 - e) **Independent Power Producer (IPP):** A person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.
 - f) **Light Intensity Dimming Solution Technology:** Obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.
 - g) **Light-Mitigating Technology System:** An aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the

impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

- h) **Maximum Blade Tip Height:** The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.
- i) **Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- j) **Met Tower:** A tower used to measure wind that generally has anemometers, direction vanes, temperature and pressure sensors, and other measurement devices.
- k) **Nameplate Capacity:** The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
- l) **Nonparticipating Property:** A property that is adjacent to an energy facility and that is not a participating property.
- m) **Occupied Community Building:** A school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
- n) **Participating Property:** Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
- o) **Repowering:** With respect to an energy facility, means replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.
- p) **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- q) **Solar Energy Facility:** A system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar

energy facility property, and with a nameplate capacity of 50 megawatts or more. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

- r) **Solar Energy System, Accessory:** A system that converts light energy into electrical energy for the purposes of providing on-site electricity.
- s) **Wind Energy Facility:** A system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property, and with a nameplate capacity of 100 megawatts or more. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.
- t) **Wind Energy Conversion System (WECS), Experimental:** Any WECS not approved by Underwriter Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or similar third party.
- u) **Wind Energy Conversion System (WECS), Micro:** A WECS mounted on a building that projects no more than fifteen (15) feet above roofline or mounted on a tower with a total height less than or equal to the permitted building height for the zoning district in which it is located and having a nameplate capacity of two (2) kW or less.
- v) **Wind Energy Conversion System (WECS), Small:** A WECS with a nameplate capacity of ten (10) kW or less and a total height of less than 200 feet.

SECTION 2. DELETE SECTION 2.02(S)(20) SOLAR ENERGY SYSTEM AND

SECTION 2.02(W)(9) WIND ENERGY CONSERVATION DEFINITIONS

SECTION 3. AMEND “OTHER LAND USE” TABLE ARTICLE 4 – SCHEDULE OF USES TO ALLOW RENEWABLE ENERGY FACILITIES AS SPECIAL LAND USES IN THE AGRICULTURAL ZONING DISTRICT

OTHER LAND USE	AG	RR	LR	MHR	CU	RC	PI	PR	C
Accessory uses customarily incidental and subordinate to the permitted principal use	AP	AP	AP	AP	AP	AP			AP
MET tower	P	P					P	P	P
Private club or meeting hall	S	S				S			P
Private landing strip or heliport	S	S							
Private stable	AP	AP	AS			AP			
<u>Renewable energy facility</u>	<u>S</u>								
Signs	AP	AP	AP	AP	AP	AP	AP	AP	AP
Solar energy system, <u>accessory</u>	AP	AP	AP	AP	AP	AP	AP	AP	AP
Utility substation	S	S					S		
WECS, micro			AP						
WECS, micro and small	AP	AP		AP	AP	AP	AP	AP	AP
WECS, small			AS						
Wireless communication facility, major colocation	AS	AS	AS	AS		AS		AS	S
Wireless communication facility, minor colocation	AP	AP	AP	AP		AP	AP	AP	AP
Wireless communication facility, new	S	S					S	S	S

SECTION 4. ADD SUB-SECTION 17.06 (O) RENEWABLE ENERGY FACILITY

(O) Renewable Energy Facility: Renewable energy facilities shall meet the additional standards outlined below:

- 1) **Intent and Purpose:** The intent of this Section is to provide regulations for the land development, installation and construction of renewable energy facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of renewable energy facilities. This Section is intended to:

- a) Protect Township areas from any potentially adverse effects, such as visual or noise impacts, of renewable energy facilities, and related structures or devices so that the public health, safety, and welfare will not be jeopardized.
 - b) Provide for a land uses that will provide an energy source with low associated environmental impacts.
 - c) Provide for the removal of abandoned or noncompliant renewable facilities, and related structure or devices.
 - d) Allow as a Special Land Use for renewable energy facilities, and related structures or devices in the Township districts zoned for Agricultural (AG).
- 2) **Landscaping:** The perimeter of renewable energy facilities shall be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the renewable energy facilities from any public street and/or adjacent residential structures, subject to the following requirements:
- a) Renewable energy facilities shall be exempt from the landscape requirements of Article 20, Section 20.03.
 - b) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (individual tree is fifty (50) percent dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - c) All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

- d) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use Permit may be subject to revocation.
- 3) **Decommissioning:** Following the operational life of the project, the applicant shall perform decommissioning and removal of the renewable energy facilities and all its components in compliance with the standards outlined below.
- a) The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment. All structures, concrete, piping, facilities, and other project related materials above grade and any structures up to four (4) feet below-grade shall be removed offsite for disposal.
 - b) All access roads or driveways shall be removed, cleared, and graded by the electric provider or IPP, unless the property owner(s) requests, in writing, a desire to maintain any access road or driveways. The Township or County will not be assumed to take ownership of any access road or driveways.
 - c) As part of the decommissioning plan, the property owner(s) and the electric provider or IPP may propose a mutually agreed topographical restoration plan to protect drain tile, utilize installed access roads and/or driveways, or other measure to facilitate restoration of agricultural use on the site.
- 4) **Performance Guarantee:** Prior to the issuance of the permit, the applicant shall furnish to the Township a performance guarantee in an amount equal to or greater than the estimated cost of decommissioning and meets the following requirements:
- a) The guarantee shall be in the form of either a surety bond or cash deposit into an escrow account with an escrow agent acceptable to the Township.
 - b) The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within three hundred sixty-five (365) days of the end of project life or facility abandonment.
 - c) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - d) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek

reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not exceed reasonable anticipated decommissioning costs.

- 5) **Additional Application Materials:** Each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- a) The complete name, address, and telephone number of the applicant.
 - b) The planned date for the start of construction and the expected duration of construction.
 - c) A description of the energy facility, including a site plan. In addition to the data requirements of Section 27.09 Site Plan Information, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
 - i. Documentation of current use and conditions of all properties upon which any component of a facility or ancillary feature would be located.
 - ii. A map of all properties upon which any component of a facility or ancillary feature would be located, and for wind energy systems, all properties within two thousand (2,000) feet of such properties, and for solar energy or energy storage systems, all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
 - iii. Lot lines and required setbacks shown and dimensioned.
 - iv. Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems, including private wells.
 - v. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area

- vi. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
 - vii. A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit
 - viii. For wind energy systems, a map or schematic showing the area including sensitive receptors that will be impacted by shadow flicker for wind facilities, including isolines indicating areas expected to experience 30 hours or more per year of shadow flicker.
- d) A description of the expected use of the energy facility.
 - e) Expected public benefits of the proposed energy facility.
 - f) The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
 - g) Information on the effects of the proposed energy facility on public health and safety.
 - h) A description of the portion of the community where the energy facility will be located.
 - i) A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
 - j) Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
 - k) The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.

- l) Interconnection queue information for the applicable regional transmission organization.
- m) If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.
- n) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the County Water Resources Commission before submitting the application and shall include evidence of those efforts in its application.
- o) A fire response plan (FRP). The FRP shall include:
 - i. Evidence of consultation with the Dexter Area Fire Department and any other fire department with jurisdiction over participating properties to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc.
 - ii. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - iii. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
 - iv. A description of materials on site and protocols to be posted at the gates and entrances of the renewable energy facility for first responders.
 - v. For energy storage systems, a commitment to offer to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and at least once per year while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.
 - vi. For wind energy systems and solar energy systems, a commitment to conduct, or provide funding to conduct, site-specific training drills with

emergency responders before commencing operation, and upon request while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.

- vii. A commitment to review and update the FRP with the Dexter Area Fire Department, any other fire department with jurisdiction over participating properties, first responders, and county emergency managers at least once every three (3) years.
 - viii. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
- p) An emergency response plan (ERP). The ERP shall include:
- i. Evidence of consultation with local first responders and county emergency managers with jurisdiction over participating properties to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
 - ii. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
 - iii. Emergency response measures by contingency;
 - iv. Evacuation control measures by contingency;
 - v. Community notification procedures by contingency;
 - vi. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
 - vii. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers with jurisdiction over participating properties at least once every three (3) years;
 - viii. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response

capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and

- q) A decommissioning plan. The decommissioning plan must include:
 - i. A description of how the renewable energy facilities will be decommissioned;
 - ii. The estimated cost of decommissioning;
 - iii. The financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources will be deposited;
 - iv. A draft agreement that meets the requirements for decommissioning in this Section.
- r) A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the limits for noise in this Section throughout the operational life of the facilities. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
- s) For solar energy systems and energy storage systems, a photometric plan to demonstrate compliance with dark sky-friendly lighting solutions.
- t) For wind energy systems, light-mitigation plans, including exemptions requested during the construction period.
- u) For wind energy systems, a report detailing the flicker modeling results with mitigation plans to ensure that flicker will remain below the limit listed in this Section throughout the operational life of the facilities. The report must be prepared by a qualified third party using the most current modeling software available and be based on real world or adjusted case assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all occupied community buildings and non-participating residences as a result of the individual turbines in the system.
- v) For energy storage systems, evidence of compliance with NFPA 855 including, but not limited to:
 - i. Commissioning Plan (NFPA 855 Chapters 4.2.4 & 6.1.3.2)
 - ii. Emergency Operation Plan (NFPA 855 Chapter 4.3.2.1.4)

iii. Hazard Mitigation Analysis (NFPA 855 Chapter 4.4)

6) **Application Review:** The application shall be processed as a special land use subject to the provisions of Article 28. In addition to the decision criteria for Special Land Uses in Section 28.05, the application must meet the following standards:

a) Decommissioning: The decommission plan meets the standards in this Section.

b) For a solar energy facility, all of the following:

i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	100 feet measured from the nearest edge of a public road right-of-way
Nonparticipating properties	100 feet measured from the nearest shared property line

ii) Fencing for the solar energy facility complies with the latest version of the National Electrical Code as of November 29, 2024 or any applicable successor standard.

iii) Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

iv) The one-hour average noise generated by solar energy facility systems, components, and associated ancillary equipment does not generate a maximum sound in excess of 55 decibels as modeled at the outside wall of any non-participating residence or occupied community building. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

v) The solar energy facility will implement dark sky-friendly lighting solutions.

c) For a wind energy facility, all of the following:

- i) The following minimum setback distances, measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the edge of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the edge of the easement containing the overhead line

- ii) Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- iii) Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- iv) The one-hour average noise generated by wind energy facility systems, components, and associated ancillary equipment does not generate a maximum sound in excess of 55 decibels as modeled at the outside wall of any non-participating residence or occupied community building. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.
- v) The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting

until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- a. The purpose of the exemption.
 - b. The proposed length of the exemption.
 - c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - d. The technical or economic reason a light-mitigating technology is not feasible.
 - e. Any other relevant information requested by the Township.
- vi) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the Township.
- d) For an energy storage facility, all of the following:
- i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating properties	50 feet measured from the nearest shared property line

- ii) The energy storage facility complies with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024 or any applicable successor standard.
- iii) The one-hour average noise generated by energy storage facility systems, components, and associated ancillary equipment does not generate a maximum sound in excess of 55 decibels as modeled at

the outside wall of any non-participating residence or occupied community building. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

- iv) The energy storage facility will implement dark sky-friendly lighting solutions.

7) ***Issuance And Compliance With Permit:*** Upon approval of an application the Township shall issue the special land use permit to the electric provider or IPP. The following regulations apply to compliance with the special land use permit:

- a) Construction of the proposed energy facility must begin within 5 years after the date the permit is issued and any challenges to the grant of the permit are concluded. The Township Board may extend this timeline at the request of the electric provider or IPP without requiring a new application.
- b) The permit shall require the electric provider or IPP to remain in compliance at all times with the standards identified for approval of the permit and all documentation submitted with and affirmations made in the application, including, but not limited to, the site plan, decommissioning plan, fire response plan, and emergency plan. No changes may be made to the permit by the electric provider or IPP without the written agreement of the Township. The energy facility must further comply with all local ordinances, state and federal laws and regulations. The Township shall not revoke a permit except for material noncompliance with the permit by the electric provider or IPP.
- c) A permit may be transferred to another electric provider or IPP upon the filing with the Township of an attestation by the transferee that it accepts the terms of the permit and acknowledges that it is subject to this Ordinance.
- d) Any renewable energy facilities that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.
- e) The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any renewable energy facility is located. The Township may hire one or more consultants, with approval from the electric provider or IPP (which shall not be unreasonably

withheld), to assist with inspections at the electric provider's or IPP's or project owner's expense. Inspections must be coordinated with, and escorted by, the electric provider's or IPP's operations staff at the renewable energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

- f) Each renewable energy facility must be kept and maintained in good repair and condition at all times. If the Director of Planning and Zoning determines that a renewable energy facility fails to meet the requirements of this ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Director of Planning and Zoning, or their designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the applicant shall immediately shut down the renewable energy facility and not operate, start or restart the renewable energy facility until the issues have been resolved. The electric provider or IPP shall keep a maintenance log, which shall be available for the Township's review within 48 hours of such request.
- g) The electric provider or IPP shall keep all sites within the renewable energy facility neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- h) Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a renewable energy facility shall be repaired at the electric provider's or IPP's expense. In addition, the applicant shall submit to the appropriate State or County agency a description of the routes to be used by construction and delivery vehicles; and road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all State or County requirements regarding the use and/or repair of the roads.

SECTION 4. SEVERABILITY

The provisions of this resolution are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 5. REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect on the later of November 29, 2024 or eight (8) days after publication after adoption, which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption.