

**TOWN OF FREEDOM – COMMERCIAL SOLAR ORDINANCE**

**Approved by Planning Board: December 12, 2023**

**Revised by Select Board: November 18, 2024**

**Approved by Town Vote: \_\_\_\_\_**

**Section 1. Title**

This Ordinance shall be known and may be cited as the “Commercial Solar Ordinance”.

**Section 2. Purpose**

The purpose of this ordinance is to establish a municipal review procedure and performance standards for Solar Energy Systems (SES), including those typically characterized as “solar farms.” These standards are intended to:

1. Establish clear guidelines and standards for the Town to regulate Solar Energy Systems;
2. Permit the Town to fairly and responsibly protect public health, safety and welfare;
3. Minimize any potential adverse effect of solar development on surrounding land use;
4. Provide for the decommissioning/removal of panels and associated utility structures above and below grade that are no longer being used for energy generation and transmission purposes; and
5. Support the goals and policies of the Comprehensive Plan, including orderly, low impact development; efficient use of infrastructure; and protection of natural, scenic, and agricultural resources.
6. Specifically consider the protection of Freedom’s agricultural resources by encouraging the development of solar energy systems which do not utilize prime farmland or soils of statewide importance.

**Section 3. Applicability**

This Ordinance shall apply to all solar energy generating systems except the following:

1. Solar energy generating systems owned and/or operated by the Town of Freedom.
2. Solar energy systems, of any kind or capacity, used only for residential purposes.
3. Small-Scale Solar Energy Systems as defined in this Ordinance.
4. Non-structural maintenance, like-kind repair, or reconstruction of equipment, provided that it does not constitute an expansion of a solar energy generating system. “Expansion of a solar energy generating system” means a change in the total land area of the system or its associated equipment.

5. Any physical modification to any existing SES, which expands or relocates the footprint of the SES, shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

#### **Section 4. Definitions**

Solar Energy System (SES): a solar photovoltaic cell, module, or array, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy System, Ground-Mounted. A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or large scale).

Solar Energy System, Roof-Mounted. A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small, medium, or large-scale).

Solar Energy System, Large-Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres (174,240 square feet), and/or that generates a nameplate capacity of 1 MW or greater.

Solar Energy System, Medium-Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 3,000 square feet but less than 4 acres (174,240 square feet), and/or that generates a nameplate capacity of 60 kW to 999 kW.

Solar Energy System, Small-Scale. Also known as an *Accessory-Scale System*. A Solar Energy System whose physical size based on total airspace projected over the ground is less than 3,000 square feet and that generates a nameplate capacity of less than 60 kW. Such a system may consist of one (1) or more freestanding ground, or roof mounted solar arrays, or solar related equipment, and/or is intended solely to reduce on-site consumption of utility power or fuels.

Kilowatt (kW): a unit for measuring power that is equivalent to 1,000 watts.

Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kw.

Rated Nameplate Capacity. The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Soils of Statewide Importance: Farmland soils that are not considered Prime Farmland but are still important for food, feed, fiber, forage, and oil seed crops.

Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Array. A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Farm. See *Solar Energy System*.

Solar-Related Equipment. Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations, or other structures used or intended to be used for collection and management of solar energy.

Pure Tone. The simplest periodic sound: a constant sound, measured in decibels (dB) created as a pressure disturbance which fluctuates sinusoidally as a fixed frequency.

Prime Farmland. Land with soils and characteristics that define it as “Prime Farmland” according to the United States Department of Agriculture.

### **Section 5. Permit Fee.**

1. Solar Energy System, Large-Scale. Permit fee is \$10,000.
2. Solar Energy System, Medium-Scale. Permit fee is \$5,000.

### **Section 6. Specific Application Requirements**

In addition to the requirements listed in the Town of Freedom’s Commercial Development Review Ordinance, an application for a Large or Medium Scaled Solar Energy System Permit must also include the following, to be paid, if applicable, out of the deposit required of Section 5. If ambiguity exists between this Section and Section 7, the more restrictive language of either section controls.

1. A description of the owner of the SES, the operator if different; prior projects of the operator; detail of qualifications to run the facility; and the chain of responsibility for the project.
2. A statement of rationale for why the Developer chose the particular proposed location on the subject lot;
3. If the operator will be leasing the land, a copy of the site control agreement (minus financial compensation), clearly outlining the relationship inclusive of the rights and responsibilities of the operator, landowner and any other responsible party with regard to the SES and the life of the agreement;
4. A description of how and to whom the energy produced will be sold;
5. A copy of the agreement and schematic details of the connection arrangement with the transmission system (most likely Central Maine Power), clearly indicating which party is responsible for various requirements and how they will be operated and maintained;
6. The layout, design and installation shall conform to applicable industry standards, such as those of the National Electric Code (NEC), American National Standards (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), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with local ordinances, 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;
7. A description of the solar modules to be installed, including make and model, and associated major system components. This description will include a statement, to include manufacturer specifications, regarding toxic materials and/or chemicals which are present in any and all parts of the solar energy system.

8. A construction plan and timeline, identifying known contractors, and anticipated on-line date;
9. An operations and maintenance plan, including site control and the projected operating life of the system. Such a plan shall include measures for maintaining safe access to the installation, stormwater controls, and general procedures for operational maintenance of the installation. Additionally, such plans shall include efforts to promote beneficial flora and fauna (e.g. honeybees, butterflies, etc.);
10. An emergency management plan for all reasonably anticipated hazards. This management plan will include:
  - a. Substantive Stormwater management report and detailed plan.
  - b. Erosion control narrative and plans with details.
  - c. A study or report created for the Planning Board that identifies any endangered or protected species, flora and fauna on site or within one mile of the required SES Security Fence.
  - d. Evidence that the project as proposed has been presented to and reviewed by the following agencies: the Maine Natural Areas Program, the Maine Department of Inland Fisheries and Wildlife, the Maine Historic Preservation Commission, the Maine Department of Transportation, the Maine Department of Agriculture, Conservation & Forestry, and the Maine Department of Environmental Protection. The applicant shall include the written responses from each of the above agencies in its application.
  - e. A written statement detailing all required permits for the construction and operation of any proposed SES.
  - f. For all required permits listed in the preceding sub-paragraphs, an applicant shall submit with its conditional use application copies of all required permits issued by any and all local, state and federal agencies for both the construction and operation of any SES, including any approvals required from other municipalities for uses within their jurisdiction. No SES conditional use permit application shall be deemed complete until all required permits have been issued.
11. A stormwater management plan, certified by a licensed Maine engineer, that demonstrates stormwater from the SES will infiltrate into the ground beneath the SES at a rate equal to that of the infiltration rate prior to the placement of the system;
12. A description of the current and prospective intended efforts to mitigate adverse effects on the site in the construction, operation, and decommissioning of the project;
13. Solar Developer will hire a licensed soil scientist to conduct a pre-construction soil study of the site that documents the soil texture, soil compaction, soil structure, consistency and drainage. The soil study will also include testing the soil for organic matter and nutrient content in addition to pfas/pfos and heavy metals. This will provide a baseline to guide land restoration after the lifespan of the project. At the decommissioning phase of the project, Town of Freedom will have the authority to require additional testing to restore the land to its pre-construction state for uses such as agriculture and forestry, recreation, or development. A licensed soil scientist or consultant may be hired by the Town at the expense of the solar developer to develop a soil study at pre-construction and decommissioning.

14. Documentation of the sound pressure rating of all sound emitting equipment, as performed by a qualified professional, measured to the property lines and nearest dwellings;
15. Proof of financial capacity to construct and operate the proposed facility;
16. A decommissioning plan in accordance with Section 9;
17. A statement as to whether the developer would consider a community benefits package, and if so what that community benefits package will most likely entail; and
18. A Landscape Plan which includes, but is not limited to, detailing the proposed vegetative buffer.
19. Upon a majority vote, the Planning Board may add additional application requirements deemed appropriate by the Planning Board when considering the full scope and purpose of this ordinance and specifics of individual solar projects.

### **Section 7. Standards for Approval**

In addition to the requirements of the Commercial Development Review Ordinance, the following standards must be met:

1. Preservation of Town's Character - The SES shall be consistent with the character of the community via visual consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, the Town Comprehensive Plan, and associated Town planning documents. As determined by the Planning and Select Boards. All SES solar panels must be manufactured in the United States.
2. The maximum land area encompassed within the Required Security Fencing shall be ten (10) acres. There will be a minimum one mile distance between the perimeter edge of Required Security Fencing between arrays.
3. Panels cannot exceed twelve feet in height. Buildings included in the SES cannot exceed fourteen feet in height.
4. Legal Responsibilities - The Applicant must provide proof that it has right, title, and interest to construct, use and maintain the property and any access drive for the life of the project and including the decommissioning of the project. The Applicant shall also file with the Planning Board a registered survey to prove boundary lines of the subject parcel. The roles and responsibilities of the system owner, operator, landowner and any other party involved in the project must be clear and meet the satisfaction of the Planning Board that the public interest is protected. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.
5. Setback - The distance between the Required Security Fencing and the nearest adjacent property line can be no less than 450 feet or 600 feet from the nearest dwelling, whichever is farther. The natural screening barrier will be located between the property line and the security fence. The setback is to be 1,000 feet from the high water mark in the Shoreland Zone.
6. Prohibited Locations – Components of a ground mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater

conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

7. Utility Notification - Written confirmation from the public utility company to which the SES will be connected noting that it has been informed of the solar facility operator or landowner's intent to install the proposed grid connected system and that it has conditionally approved of such connection.
8. Fence - Ground Mounted Solar Energy Systems shall be protected by a perimeter fence. Such a fence shall allow for small wildlife passage. The National Electric Code requires fencing for ground-mounted solar energy systems. All Solar Energy Systems in Freedom will adhere to the large scale system as a minimum requirement. To allow for wildlife passage, fences should be elevated by at least 6 inches. To maximize wildlife's ability to permeate fencing, this ordinance requires the use of 'Solid Lock Game Fences' with wooden posts.
9. Signage - A sign shall be required to identify the owner/operator and provide a 24-hour emergency contact phone number. Solar Energy Systems shall not be used for displaying any advertising. A clearly visible warning placard shall be placed on all pad-mounted transformers and electrical equipment and on any fence surrounding the SES informing individuals of potential voltage hazards.
10. Screening - All lots on which Ground Mounted Solar Energy Systems are located shall utilize buffers/screening along the entire perimeter of the security fence. The vegetative buffer will utilize evergreen trees no shorter than 6 feet high, planted in two staggered rows. Initial planting will space trees five feet apart. Ground mounted SES shall be screened from view of any adjacent property line, as well as any public way. The landscape plan for the vegetative buffer shall be submitted at the time of application.
11. Glare – All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
12. Noise – No noise generated by the SES or Solar Related Equipment shall exceed the requirements of the Commercial Development Review Ordinance.
13. Risk of PFAS Contamination - The applicant must provide evidence, to include manufacturer specifications, that the photovoltaic panels and other related components do not contain substances known as PFAS chemicals in any parts that are exposed to the weather. This includes but is not limited to coatings on the glass panels themselves, as well as adhesives used to construct the external parts of the panel.
14. Lighting - Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference with abutting properties. Lighting of the SES shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and shall otherwise comply with the provisions of the Town of Freedom Commercial Review Ordinance. Other than required lighting, lighting shall not be used or be visible between 9 pm and 7 am.
15. Impervious Assessment - The surface area of the arrays of a ground mounted SES, regardless of the mounted angle of any solar panels, shall not be considered impervious.

16. Utility Connections - All utility connections from the solar photovoltaic installation shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
17. Emergency Services – SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief, EMA Director, and Town Office. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A “3200 Series KNOX-BOX”, or agreed equivalent, shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. Additionally, the applicant will provide training, if needed, for local emergency personnel and first responders to receive training on risks and protocols associated with responding to any incident at the installation.
18. Post-Construction – Developers & Landowners
  - a. Site Cleanup
    - i. Remove all construction debris (wire, bolts, metals, plastics) to avoid mixing with soil or being consumed by grazing livestock.
    - ii. Remove all excess concrete from the site
19. Drainage Structure Repair. Any surface or subsurface drainage structures to be left in place should be in good working order and should maintain or improve pre-existing conditions.
  - a. Revegetation
    - i. Select a seed mix that meets the maintenance agreement, which may include pollinator habitat, livestock grazing pasture, cover crops, row crops, or grass.
    - ii. Prepare the seedbed by removing debris, regrading the topsoil, and scarifying the soil surface.
    - iii. Amend the soil as recommended, based on soil tests, crop’s needs, and recommendations of the seed supplier.
    - iv. Apply the seed mix immediately after preparing the bed at the supplier’s recommended rate. If the site cannot be seeded shortly after the seedbed has been prepared, use temporary erosion control measures until seeding takes place. On areas subject to erosion, use erosion control blankets, hydro-seed, or tack the mulch down
    - v. If restoration efforts take place during the summer, mulch with enough straw to completely cover the soil to prevent erosion, keep the seed moist, and prevent weed establishment.
20. Maintenance Conditions - The SES owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetative screening, fences, landscaping and plantings, and integrity of security measures.

- a. **Revegetation Monitoring:** In the two years following project completion, revegetation efforts should be monitored three times during the growing season (Spring, Summer, and Fall). They should also be monitored whenever new soil is brought in and applied to the site. Observations should include but are not limited to: erosion, bare soil, soil compaction, tree growth, and invasive plants.
  - b. **Rehabilitation of Disturbed Soils**
    - i. Avoid using areas affected by livestock compaction until vegetation is reestablished. Where fill is required use native excess topsoil from the property or imported topsoil free of invasive species consistent with the quality of the existing site conditions.
    - ii. Reseed disturbed areas lacking desired vegetation with non-invasive plants.
    - iii. Rehabilitation efforts should restore the natural soils and hydrology to the extent practicable.
  - c. **Removal of Invasive Plants**
    - i. Remove those invasive plants that are detected within the project area during the monitoring phase. Monitor the area for invasive plant regrowth for at least one full growing season after removal/treatment.
    - ii. Invasive plants are diverse, and there is no “one size fits all” removal plan; effective approaches vary by plant species, infestation size, and whether seeds are present. The operator of the SES shall refer to the Maine Natural Areas Program Invasive Plant Program for information on identifying, monitoring, and removing invasive plant species. The operator shall submit to the CEO, in the spring, summer, and fall of those first two years, proof of complying with the requirements of this subsection.
21. The SES must be properly maintained and 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. Site access shall be maintained to a level acceptable to the fire chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the SES and any access road(s), including regular plowing of snow to maintain road access.
22. The SES owner or operator shall not use, as part of regular maintenance, pest-control substances (e.g. pesticides, herbicides, fungicides, and/or insecticides). When the SES owner or operator is considering pest control, they should use the principles of Integrated Pest Management (IPM) and follow all applicable rules and regulations when considering manual, mechanical, and herbicide treatments. Additional consultation with a state certifying agent is required if any herbicide use is contemplated.
23. The SES owner or operator shall maintain vegetative growth within the project area throughout the growing season.
- a. To avoid rutting and compaction, do not undertake maintenance of groundcover using mechanical methods such as lawnmowing, bush hogging, and weed whacking when soils are saturated.
  - b. Clippings may be left in place as mulch or removed from the site.



## 24. Infrastructure Checks

- a. Owner shall inspect project area including vegetative buffer, fencing, and gates twice a year and repair as needed. Any diseased or dead trees within the vegetative buffer must be replaced within one year with trees of the same species and size. A copy of this report will be submitted to the Town Office at the time of inspection.
- b. Secure any exposed electrical wires to the solar equipment and protect against damage from grazing animals and other wildlife with meshing or other pest guards. This equipment must be repaired as necessary.

## Section 8. Development on Agricultural Land

It is the goal of this Ordinance to minimize the adverse effects of solar development on Prime Farmland and Soils of Statewide Importance (see definitions in Section 4). To that end, the following criteria apply:

1. An alternatives assessment/analysis is required if the project is proposed on Prime Farmland Soils or Soils of Statewide Importance. This analysis should demonstrate that all other options on the proposed lot and/or alternate lots in Freedom have been explored.
2. All projects will be built, operated, and decommissioned in ways that preserve the ability for the land to be farmed in the future. See Section 6 for Standards of Approval and Section 9 (Abandonment, Decommissioning, and Removal Standards).
3. The applicant is encouraged to design the development in such a way as to also support agricultural endeavors on the same land: grazing, beekeeping, etc.
4. Each project shall minimize the impact of the grid connection on farmland.

## Section 9. Abandonment, Decommissioning and Removal

The owner/operator of the SES will be responsible for submitting to the Code Enforcement Officer, on a monthly basis, reports of the SES's electricity generation. Decommissioning is required if 10% or less permitted capacity of electricity is generated for a continuous period of twelve (12) months. After this period, the system shall be deemed discontinued or abandoned and the owner /operator shall have no more than 365 days to complete the decommissioning plan. The owner/operator may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not met the generated electricity requirement for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

1. Decommissioning shall consist of:
  - a. A detailed description of the work required to physically remove all Solar Energy System and Solar Related Components, including associated foundations, buildings, cabling, electrical components, and any other associated facilities that are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded.
  - b. An estimate of the total cost of decommissioning. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel

foundation removal and permanent stabilization; structure removal and permanent stabilization; transmission corridor removal and permanent stabilization; and road infrastructure removal and permanent stabilization.

- c. Written notice provided to the Planning Board and Code Enforcement Officer of intent to decommission, with such notice to be given at least 60 days before commencing decommissioning activity.
- d. The SES operator or, if no commercial operator, the landowner, shall commission a Phase I Environmental Site Assessment prior to any land disturbance. Should contamination be encountered or suspected, a Phase II Environmental Site Assessment shall be conducted. All discovered and encountered hazardous materials shall be removed and disposed of in accordance with all local, state, and federal regulations.
- e. The SES operator or, if no commercial operator, the landowner shall be responsible for determining, applying for, and receiving all necessary Decommissioning permits from the Town and any state or federal agencies.
- f. The physical removal of all associated materials including, but not limited to, all Solar Equipment, barriers, fencing, OH/UG electric wiring and conduits, foundations, auger screws, electrical equipment, panels, inverters, signage, buildings, concrete pads, batteries, transformers, and associated debris of solar energy systems, structures, equipment, fencing, security barriers and power lines from the site. This includes all subsurface equipment.
- g. The disposal and/or recycling, if applicable, of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- h. The stabilization and re-vegetation of the site. To the greatest extent possible, this should return the site to its condition prior to the installation. This includes the removal of all graveled areas and stormwater management features. The Planning Board may, at their discretion, allow the owner/operator to leave natural landscaping in place.

## 2. Decommissioning Bond:

Before issuance of any building permit for a SES, the applicant shall provide a Decommissioning Bond in form and substance approved by the Municipal Officers of the Town of Freedom and made payable to the Town of Freedom for all costs associated with the Decommissioning of the SES as specified in Section 6-16

- a. The initial value of the Decommissioning Bond shall be equal to 150 percent of the estimated cost of Decommissioning the SES.
- b. At the end of the fifth year of operation of the SES and for each successive 5-year period that the SES is in operation, the SES operator or, if no commercial operator, the landowner shall be required to submit an updated cost estimate to the Code Enforcement Officer, which estimate shall be prepared by a third-party entity and shall be paid for by the SES operator or landowner.
- c. The Municipal Officers of the Town of Freedom shall have the authority to reasonably accept or not accept the cost estimate value(s).

- d. Within 90 days of acceptance by the Municipal Officers of the Town of Freedom, the operator or landowner shall provide the Town of Freedom with a new Decommissioning Bond in the amount equal to 150 percent of the new estimate. The value of any Decommissioning Bond shall not include the net salvage value of any Solar Related Equipment or any utility, collector, or transmission lines.
- e. Any Decommissioning Bond shall be of form and substance reasonably acceptable to the Municipal Officers of the Town of Freedom and shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town of Freedom, and the procedure for the collection by the Town of Freedom. The bond documents shall specifically reference the subject SES. The Decommissioning Bond shall include a provision granting and guaranteeing the Town of Freedom the authority to access the funds and property and perform the Decommissioning of the SES if the solar facility operator or landowner fails to meet their obligations to fully and properly remove the SES.
- f. The SES operator or, if no commercial operator, the landowner, shall be responsible for notifying the Code Enforcement Officer in writing if the Decommissioning Bond is revoked or is no longer valid or in force within 30 days of the operator's receipt of notice of same. Within 90 days of such an event, the operator or landowner shall provide the Town of Freedom with a replacement Decommissioning Bond that is reasonably found acceptable by the Municipal Officers of the Town of Freedom. If an acceptable replacement bond is not provided within 90 days, any Conditional Use Permit approval(s) for the SES shall be void.
- g. The Decommissioning Bond or replacement bond must be kept in effect throughout the lifetime of the SES. The SES operator or, if no commercial operator, the landowner, may apply to the Municipal Officers of the Town of Freedom for the release of the Decommissioning Bond at such time that:
  - i. A Certification, prepared by a Maine licensed Professional Engineer experienced in such matters, is provided by the solar facility operator or landowner reporting that the SES has been Decommissioned as required by this Ordinance and as required by any Town of Freedom approval or applicable conditions of approval, and
  - ii. All Decommissioning requirements and activities are found to be satisfactorily complete by the Code Enforcement Officer and the Municipal Officers of the Town of Freedom.
- h. Any SES decommissioning costs exceeding the proceeds of the Decommissioning Bond and incurred by (and/or to be incurred by) the Town of Freedom shall be funded by the SES operator or, if no commercial operator, the landowner, within 30 days of such notice. Failing receipt of such funding, the Town of Freedom shall use any and all legal and available means necessary to recover the excess costs, and any costs of such recovery, which may include imposing a special tax and/or a tax lien on the real estate of the SES.
- i. If the SES operator or, if no commercial operator, the landowner, fails to decommission the SES as required by this Ordinance and as required by any applicable conditions of approval, the Town of Freedom will use reasonable effort to notify the solar facility operator or landowner of its intent to use the Decommissioning Bond and use any and all legal or available means necessary to decommission the SES.

- j. Any SES decommissioning costs exceeding the proceeds of the Decommissioning Bond and incurred by (and/or to be incurred by) the Town of Freedom shall be funded by the SES operator or, if no commercial operator, the landowner, within 30 days of such notice. Failing receipt of such funding, the Town of Freedom shall use any and all legal and available means necessary to recover the excess costs, and any costs of such recovery, which may include imposing a special tax and/or a tax lien on the real estate of the SES.

### **Section 10. Modifications**

1. Any physical modification to any existing Medium to Large Scale Ground-Mounted Solar Energy System, whether or not existing prior to the effective date of this Ordinance, shall require a permit from the Planning Board under this Ordinance. Routine maintenance or like-kind replacements do not require a building permit or Planning Board approval.
2. Security Deposit for modifications shall be consistent with the overall size of the SES, not solely the modification.
3. Permit fees for modifications shall be based on the modified portion of the SES.

### **Section 11. Authority**

1. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A M.R.S.A. § 3001, Ordinance Power, the provisions of 30-A, M.R.S.A. § 4352, Zoning; and the provisions of Title 30-A §4311 et seq. (Comprehensive Planning and Land Use Regulation, or “Growth Management” Act).
2. To the extent that any provision of this Ordinance is deemed invalid by a court or agency of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

### **Section 12. Effective Date and Duration**

This Ordinance shall take effect upon enactment by the Town of Freedom unless otherwise provided and shall remain in effect until it is amended or repealed.

### **Section 12. Enforcement Violations and Penalties**

This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S.A. § 4452, Enforcement of Land Use Laws and Ordinances.