

TOWN OF MCMILLAN
Marathon County, Wisconsin
An Ordinance Amending the Code of the Town of McMillan
Part II: General Legislation
Creating Chapter 511. Solar Energy Systems

The Town Board of the Town of McMillan do ordain as follows:

Section 1: Part II General Legislation, Chapter 511 entitled "Solar Energy Systems" of the Code of the Town of McMillan is hereby created to provide as follows:

Chapter 511. SOLAR ENERGY SYSTEMS

§ 511-1. Purpose:

- A. The purpose of this Ordinance is to establish Town regulations for the installation and use of Solar Energy Systems that generate less than 100 megawatts but more than 10,000 watts.
- B. This Ordinance requires Owner(s) to obtain a permit from the Town before:
 - (1) Construction of a Solar Energy System;
 - (2) Expansion of an existing or previously-approved Solar Energy System; and/or
 - (3) A material change in the approved design, location, or construction of a Solar Energy System.
- C. The Town may place any condition upon a permit as long as it satisfies at least one of the following:
 - (1) Serves to preserve or protect the public health or safety.
 - (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (3) Allows for an alternative system of comparable cost and efficiency.
- D. The Town shall consider each permit application on a case-by-case basis.

§ 511-2. Definitions:

Terms used herein shall have the following meanings:

- A. "Decommissioning" means removal of all of the above ground and below ground portions to a depth of at least four (4) feet of the Solar Energy System and its supporting facilities.
- B. "Owner" means:

- (1) A person with a direct ownership interest in a Solar Energy System, regardless of whether the person was involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of a Solar Energy System.
 - (2) At the time a Solar Energy System is being developed, a person who is acting as a Solar Energy System developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a Solar Energy System, regardless of whether the person will own or operate the Solar Energy System.
- C. "Solar Energy System" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. In addition, for purposes of this Ordinance, only electric generating facilities of less than 100 megawatts but more than 10,000 watts are applicable. (The Wisconsin Public Service Commission regulates systems of 100 megawatts and greater.)

§ 511-3. Applications for a Solar Energy System permit are required to contain the following:

- A. Name and address of all Owner(s) of the Solar Energy System, and the name and contact information for a designated representative, if any.
- B. Evidence that the applicant is the owner of the real property involved or has the written permission of the owner to make such an application.
- C. Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
- D. Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.
- E. The Town reserves the right to establish a Decommissioning review process to determine when a Solar Energy System has reached the end of its useful life.
- F. Owner(s) shall acquire and submit to the Town a copy of all necessary State and Federal permits and approvals.
- G. A finished landscape plan that includes proposed structures, topography, grubbing, clearing, plantings, and final vegetation.
- H. Such additional information as the Town may reasonably request, if any.
- I. A fee bearing a reasonable relationship to the Town's anticipated review and processing of the application that shall include the reasonable, direct cost of services necessary for review of the application provided by outside engineers, attorneys, planners, environmental specialists, and/or other consultants or experts. Additional fees may be required as necessary, and any fees unused at the end of the application process shall be returned to the applicant. The Town Board shall determine and monitor the fee(s).
- J. As-built plans upon completion of construction.

§ 511-4. Solar Energy System Restrictions:

The Town may impose restrictions on a Solar Energy System including but not limited to any of the following:

- A. Location, setbacks, ground clearance, and height.
- B. Anticipated costs related to emergency services required as a result of the Solar Energy System, such as for e.g., additional training and/or equipment.
- C. Decommissioning.
- D. Financial security, such as bonds, cash deposits, or letters of credit.

§ 511-5. Revocation:

Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this Ordinance or the provisions of a permit granted pursuant to this Ordinance.

§ 511-6. Reports and Reviews:

- A. An Owner of a Solar Energy System within the Town shall submit an annual report to the Town Plan Commission by January 31 of each year documenting the operation and maintenance of the Solar Energy System during the previous calendar year.
- B. The Town Plan Commission shall conduct a review of the annual reports submitted, in part to determine if a Solar Energy System has reached the end of its useful life.
- C. The Town reserves the right to establish a procedure to monitor compliance by the Owner with any condition on an approved Solar Energy System or to assess when Solar Energy System facilities are not maintained in good repair and operating condition. This procedure may include timelines, payment by the Owner of reasonable fees to conduct assessments, and notification to the public.
- D. The Town may require the Owner to pay a reasonable fee for a third-party inspector to monitor and report regarding an Owner's compliance with permit requirements.
- E. An Owner shall provide the Town with a copy of any third-party complaints regarding the Solar Energy System.

§ 511-7. Financial Responsibility:

- A. An Owner with a nameplate capacity of 20,000 watts or larger shall provide the Town with financial assurance of the Owner's ability to pay the actual and necessary cost to Decommission the Solar Energy System before commencing major civil construction activities.
- B. An Owner shall provide the Town with three estimates of the actual and necessary cost to decommission the Solar Energy System. The cost estimates shall be prepared by third parties agreeable to the Owner and the Town. The amount of financial assurance required by the Town will be the average of the three estimates.

- C. An Owner shall establish financial assurance that is acceptable to the Town and that places the Town in a secured position. The financial assurance must provide that the secured funds may be used for Decommissioning the Solar Energy System, or at such time as the Town determines that the Solar Energy System has been Decommissioned, or the Town approves the release of the funds, whichever occurs first. The financial assurance must also provide that the Town may access the funds for the purpose of Decommissioning the Solar Energy System if the Owner does not Decommission the system when Decommissioning is required.
- D. The Town may periodically request information from the Owner regarding industry costs for Decommissioning the Solar Energy System. If the Town finds that the future anticipated cost to Decommission the Solar Energy System is changing in a material way, the Town may correspondingly increase or decrease the amount of financial assurance required.
- E. The Town may require an Owner to submit a substitute financial assurance if an event occurs that raises material concern regarding the viability of the existing financial assurance.

Section 2: If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of this Ordinance that can be given effect without the invalid or unconstitutional provision or application.

Section 3: All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall be in full force and effect from and after its date of adoption and notice to the public as required by law.

Section 5: Town personnel are hereby authorized and directed to make all changes to the Town Code necessary to reflect this amendment.

Adopted this 5th day of June, 2026.

TOWN OF MCMILLAN

By: Debbie Derfus
Debbie Derfus, Chairperson

ATTEST:

By: Norma Pentico
Norma Pentico, Clerk

Noticed to the public on: June 14, 2026