

CITY OF ROSEAU

ORDINANCE NUMBER 48

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE APPROVAL, SITING, AND USES OF SOLAR PROJECTS/SOLAR ENERGY SYSTEMS

WHEREAS, the Roseau City Council administers zoning within the City of Roseau (the “City”);

WHEREAS, the Council may regulate land use as part of the City’s zoning authority;

WHEREAS, the City has received a number of inquiries recently resulting in development pressure for installation of solar energy systems in the City; and

WHEREAS, at least one solar project has been construction in close proximity to City limits, and the City is aware that additional solar projects are being contemplated in and around the City;

WHEREAS, the City is concerned that unregulated solar projects can have negative impacts on existing developments, which can impact the health, safety, and welfare of the City and its residents; and

WHEREAS, the City zoning ordinances do not currently address the installation and use of solar energy systems within the City;

WHEREAS, the City believes it is necessary for the City hold discussions and to conduct a study to determine the appropriate criteria for installation and use of solar energy systems;

WHEREAS, the City’s zoning ordinances must be updated to address solar projects in light of current trends involving solar projects across the City.

WHEREAS, Minnesota Statute §462.355 authorizes the City to adopt an interim ordinance to regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction for a period not to exceed one year (interim ordinance) for necessary studies to protect the planning process and the health, safety, and welfare of its citizens.

NOW, THEREFORE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

1. The City has determined to undertake a study to consider: (1) the impact of solar projects on the growth and development of the City; and (2) the land use impact of solar projects related to planning and development within the City.
2. The City is concerned that existing zoning regulations do not adequately contemplate solar projects which may be inconsistent with existing and future development under the Comprehensive Plan and could disrupt existing neighborhood and the future development of the City.
3. The City desires to impose a moratorium on new solar projects in the City, prohibiting solar projects, and therefore allowing the City to further study and consider the land use compatibility of solar projects with future planning and development in the City.

4. During the time of the study, it is necessary to protect the integrity of the Comprehensive Plan, existing land uses, existing property values, and the rights of existing property owners within the City.

5. An interim ordinance, pursuant to Minnesota Statutes § 462.355, is necessary to restrict potential solar projects from affecting the integrity of the Comprehensive Plan during the study period and to protect the health, safety, and welfare of citizens of the City of Roseau.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Roseau City Council hereby ordains:

Interim Ordinance/Moratorium.

Section 1. Definition. For purposes of this Ordinance, “Solar Project” or “Solar Energy System” shall be defined as a solar array composed of multiple solar panels that convert sunlight to electricity.

Section 2. Temporary Restriction. A moratorium prohibiting the construction, installation, replacement, or enlargement of Solar Projects is hereby established.

Section 3. Duration. This moratorium shall be in effect for a period of one year, or until such earlier time as the Roseau City Council determines the moratorium is no longer necessary.

Section 4. Effective Date. This Ordinance shall be effective immediately upon its adoption.

Section 5. Validity. Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 6. Enforcement and Penalty. The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

ATTEST:

/s/Dan Fabian

Mayor

/s/ Elizabeth Carlson

City Clerk-Treasurer