

CITY OF MOUNT VERNON

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE CITY OF MOUNT VERNON CODE OF ORDINANCES CHAPTER 5, BUILDINGS, CONSTRUCTION, AND RELATED ACTIVITIES BY ADDING SECTION 5-32; AMENDING THAT SAME CHAPTER BY ADDING TO SECTION 5-27; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS the City of Mount Vernon, Texas (“City”) is a Type A general law municipality incorporated and operating under the laws of the State of Texas; and

WHEREAS, Section 229.101 of the Texas Local Government Code and Section 202.010 of the Texas Property Code authorize municipalities to regulate the placement of residential and commercial solar panels that are not commercial solar farms; and

WHEREAS, the City Council finds that an ordinance is necessary to minimize adverse effects from solar collectors on the character of historic buildings

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS:

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That the City of Mount Vernon Code of Ordinances Chapter 5; Buildings, Construction, and Related Activities; is amended by adding language to Article 2, Electrical, section 5-27. The section shall read as follows:

Sec. 5-27. – Permits

No installation, alteration or removal shall be made in/or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices, nor alterations made thereto, without a written permit therefor being first obtained at the city hall by the person having direct charge of such installation.

The installation of solar energy collecting panels requires its own distinct permit application, subject to the discretion of the City Council and the standards set forth within section 5-32 of this ordinance.

SECTION 3: That Chapter 5; Buildings, Construction, and Related Activities is amended by adding Section 5-32, which shall read as follows:

Sec. 5-32. – Alternative Sources of Electrical Energy – Solar Panels/Devices

(1) **Application.** The application to allow a solar device or system, for residential use, requires the approval of a conditional use permit, issued at the discretion of the director; for non-residential use, requires the approval of a specific use permit, subject to the review and approval by city council.

(2) **Definition.** A solar panel or device is a structure that is intended to capture the light from the sun and transfer that energy to electricity for general use.

(3) **Regulations** for single-family residential use:

a. Is in compliance with state law and poses no threat to public health or safety;

b. Is located solely on private property;

c. Includes approval letter from the HOA with submittal for the CUP, if applicable.

d. Installation and maintenance in compliance with manufacturer's recommendations and warranties;

e. Roof mounted:

1. Panels shall be designed and installed in conformance with the International Fire Code, as amended;

2. Panels must conform to the slope of the roof, unless mounted on a roof slope that is not visible from the right-of-way; and

3. Roof mounted panels should be designed and installed to reduce excessive glare.

f. Ground mounted:

1. Prohibited in front yards.

2. Ground mounted devices shall follow the setbacks required for accessory structures within the specific zoning district.

3. Device shall not be visible from either the public right-of-way or the adjacent properties;

4. Device shall be screened by a wooden or masonry fence and no device shall extend above the fence line.

5. Where fences are not allowed within the residential subdivision, a solid evergreen hedge which shall be maintained at a minimum of six feet in height within 18 months of planting.

g. Historic Buildings

1. solar collectors must be placed to avoid obscuring significant features or adversely affecting the perception of the overall character of the property
2. Solar collector arrays must be sized to remain subordinate to historic structures
3. On historic structures, solar collectors must be mounted flush below the ridge line of a sloping roof.
4. If possible, collectors should be installed on an addition or secondary structure
5. Solar Collectors should be installed back from the front façade of historic buildings.
6. Exposed hardware, frames, and piping should have a matte finish and be consistent with the color scheme of the primary structure.

h. Installation – Historic Buildings

1. Installation of solar collectors on historic buildings should use the least invasive method feasible to attach the array. It must:

(A). Avoid damage to significant features.

(B) Install the collector in such a way that it can be removed and the original character easily restored.

2. Installation of a solar collector on a historic building may not be executed in such a way as to threaten the structural integrity of the building with collector arrays.

(4) **Regulations** for nonresidential structures:

a. Is in compliance with state law and poses no threat to public health or safety;

b. Is located solely on private property;

c. Installation and maintenance in compliance with manufacturer's recommendation and warranties;

d. Is located on the roof;

e. Panels located on a sloped roof may not extend beyond the roofline and must conform to the slope of the roof, unless mounted on a roof slope that is not visible from the public right-of-way.

f. Panels located on a flat roof must be screened from view from the adjacent roadways.

(5) **Approval.** For residential use, once the director has determined that the conditions listed in (3) above have been met, approval for the conditional use permit may be granted. For non-residential use, approval is subject to review by City council through the SUP process.

SECTION 4: That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5: It is hereby declared to be the intention of the City Council of the City of Mount Vernon, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council of the City of Mount Vernon without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 6: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

AND IT IS SO ORDERED.

PASSED AND APPROVED ON THIS _____ DAY OF _____ 20_____.

Brad Hyman, Mayor

ATTEST:

Kathy Lovier, City Secretary

APPROVED AS TO FORM:

L. Stanton Lowry, City Attorney