

**City of St. Augusta  
County of Stearns  
State of Minnesota**

**Ordinance #2018-02**

**AN INTERIM ORDINANCE ENACTING A MORATORIUM ON THE  
ESTABLISHMENT OF SOLAR ARRAYS WITHIN THE CITY OF ST. AUGUSTA.**

**THE CITY COUNCIL OF THE CITY OF ST. AUGUSTA ORDAINS AS FOLLOWS:**

**Section 1. Definition.** A Solar Array shall be defined as follows in this ordinance:

1. An array composed of multiple solar panels on ground-mounted rack or poles which together consist of greater than one hundred (100) kilowatts direct current (DC) rated capacity located on one parcel of property; or
2. An array composed of multiple solar panels on ground-mounted rack or poles which are not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity.

**Section 2. Intent.** It is the intent of this Interim Ordinance to allow the City of St. Augusta to study, review and determine what changes, if any may be required in the regulation of Solar Arrays and to make appropriate changes in the same in order to protect the values of properties within the City of St. Augusta, to insure proper land use controls, and to facilitate compatibility between such property and the surrounding property.

**Section 3. Authority and Purpose.** The City Council is empowered by Minn. Stat. 462.355, Subd. 4 to pass an interim ordinance, applicable to all or a portion of its jurisdiction, for the purpose of protecting the planning process and health, safety, and welfare of its citizens.

**Section 4. Temporary Prohibition.** For one year after the effective date of this ordinance, or until such earlier time as the St. Augusta City Council determines by resolution that the reasons for the moratorium no longer exist, no Solar Arrays shall be established within the City of St. Augusta. This temporary prohibition shall not apply to any Solar Arrays for which complete zoning applications have been received by the City of St. Augusta prior to the effective date of this ordinance.

**Section 5. Misdemeanor.** Any person, persons, firm or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to Minn. Stat. 609.02, Subd.3, or as subsequently amended, plus cost of prosecution.

**Section 6. Injunctive Relief.** In the event of a violation of this ordinance, the City may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations.

**Section 7. Separability.** It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following: if any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provisions of this ordinance not specifically included in said judgement.

**Section 8. Effective Date.** This ordinance shall take effect from and after its passage and publication in the designated newspaper, and shall remain in effect until one year after the effective date, unless a shorter period of time is approved by proper resolution of the City Council of the City of St. Augusta.

**PASSED** by the City Council of the City of St. Augusta this 7<sup>th</sup> Day of August, 2018.

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B. J. Kroll, Mayor

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William R. McCabe, City Administrator