

Senate File 2029 - Introduced

SENATE FILE 2029

BY BOLKCOM, DEARDEN, DVORSKY,
DOTZLER, and KINNEY

A BILL FOR

1 An Act relating to installation, operation, and use of solar
2 energy systems.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 335.28 Limitations on restrictions
2 of solar energy systems.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Solar energy" means energy emitted from the sun.

6 b. "Solar energy system" means equipment that directly
7 converts and then transfers or stores solar energy into usable
8 forms of thermal or electrical energy, including a solar
9 collector as defined in section 564A.2.

10 2. A county shall not adopt or enforce an ordinance or
11 other regulation that restricts, directly or indirectly, the
12 installation, operation, or use of a solar energy system unless
13 the ordinance or regulation satisfies any of the following
14 conditions:

15 a. The ordinance or regulation serves to protect the public
16 health or safety.

17 b. The ordinance or regulation does not significantly
18 increase the cost of installation, operation, or use of the
19 solar energy system or significantly decrease the system's
20 efficiency or quantity of output.

21 c. The ordinance or regulation allows for alternative
22 installation, operation, and use of a solar energy system of
23 comparable cost and efficiency.

24 3. A county may, under the authority conferred by this
25 chapter, adopt an ordinance or other regulation that places
26 restrictions on obstructions to a solar energy system.
27 The ordinance or regulation may include a designation of
28 responsibility for the costs of limiting or abating the
29 obstruction. The ordinance or regulation may not require
30 the trimming of vegetation planted before the installation
31 of a solar energy system, unless the trimming is ordered as
32 enforcement of a different ordinance or regulation. The
33 ordinance or regulation shall apply to the entire county unless
34 a city in the county adopts an ordinance pursuant to section
35 414.26, subsection 3.

1 Sec. 2. NEW SECTION. **414.26 City zoning limitations on**
2 **restrictions of solar energy systems.**

3 1. As used in this section, unless the context otherwise
4 requires:

5 *a.* "Solar energy" means energy emitted from the sun.

6 *b.* "Solar energy system" means equipment that directly
7 converts and then transfers or stores solar energy into usable
8 forms of thermal or electrical energy, including a solar
9 collector as defined in section 564A.2.

10 2. A city shall not adopt or enforce an ordinance or
11 other regulation that restricts, directly or indirectly, the
12 installation, operation, or use of a solar energy system unless
13 the ordinance or regulation satisfies any of the following
14 conditions:

15 *a.* The ordinance or regulation serves to protect the public
16 health or safety.

17 *b.* The ordinance or regulation does not significantly
18 increase the cost of installation, operation, or use of the
19 solar energy system or significantly decrease the system's
20 efficient operation or quantity of output.

21 *c.* The ordinance or regulation allows for alternative
22 installation, operation, and use of a solar energy system of
23 comparable cost and efficiency.

24 3. A city may, under the authority conferred by this
25 chapter, adopt an ordinance or other regulation that places
26 restrictions on obstructions to a solar energy system.
27 The ordinance or regulation may include a designation of
28 responsibility for the costs of limiting or abating the
29 obstruction. The ordinance may not require the trimming of
30 vegetation planted before the installation of a solar energy
31 system, unless the trimming is ordered as enforcement of a
32 different ordinance or regulation. A county ordinance or other
33 regulation adopted pursuant to section 335.28, subsection 3,
34 shall apply to the entire county unless a city in the county
35 adopts an ordinance pursuant to this section.

1 Sec. 3. Section 657.2, Code 2016, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 13. Obstructing, as defined in section
4 657.12, operation or use of a solar energy system on a nearby
5 or adjoining property.

6 Sec. 4. NEW SECTION. 657.12 **Obstruction of solar energy**
7 **systems — exceptions.**

8 1. Except as provided in subsection 2, and notwithstanding
9 section 657.3, the owner of a solar energy system is entitled
10 to receive damages, court costs, and reasonable attorney fees
11 from any person who uses the person's property or who permits
12 any other person to use the person's property in any way that
13 creates or would create an obstruction of the owner's solar
14 energy system. The owner of the solar energy system shall have
15 the burden of showing by a preponderance of the evidence the
16 amount of the damages.

17 2. This section shall not apply to any of the following
18 obstructions:

19 a. An obstruction for which a building permit was issued
20 prior to the installation of the solar energy system.

21 b. An obstruction existing on or before the date of
22 installation of the solar energy system.

23 3. For purposes of this section:

24 a. "*Obstruction*" means the portion of a building or other
25 structure or vegetation that blocks solar energy from a solar
26 energy system between the hours of 9 a.m. to 3 p.m. standard
27 time. "*Obstruction*" shall not include blockage by a pole, wire,
28 television antenna, or radio antenna.

29 b. "*Solar energy system*" means the same as defined in
30 sections 335.28 and 414.26.

31

EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the installation, operation, and use of
35 solar energy systems by limiting local zoning authority and by

1 making certain obstructions an actionable nuisance.

2 The bill defines "solar energy system" to mean equipment
3 which directly converts and then transfers or stores solar
4 energy into usable forms of thermal or electrical energy.

5 The bill prohibits a county or city from adopting an
6 ordinance or other regulation that directly or indirectly
7 restricts the installation, operation, or use of a solar
8 energy system unless the ordinance preserves or protects the
9 public health or safety, does not significantly increase the
10 cost of the system or decrease its efficiency, or allows for
11 alternative installation, operation, or use of a solar energy
12 system of comparable cost and efficiency.

13 The bill authorizes a county or city to adopt an ordinance or
14 other regulation that places restrictions on obstructions to a
15 solar energy system, which may include responsibility for costs
16 of limiting or abating the obstruction, but cannot require the
17 trimming of vegetation planted before a solar energy system is
18 installed. If a county adopts such an ordinance it will apply
19 to the entire county unless a city adopts an ordinance.

20 The bill amends Code chapter 657, relating to nuisances,
21 by making it a nuisance to obstruct a solar energy system on
22 a nearby or adjoining property after the solar energy system
23 has been installed. The bill defines "obstruction" to mean
24 the portion of a structure or vegetation that blocks solar
25 energy from a solar energy system between the hours of 9 a.m.
26 to 3 p.m. standard time, not including blockage by a pole,
27 wire, television antenna, or radio antenna. A person who is
28 aggrieved of such a nuisance may bring a civil action to abate
29 the nuisance and recover damages, court costs, and reasonable
30 attorney fees from any person who uses their property or
31 who permits another person to use their property to create
32 an obstruction of the owner's solar energy system. The
33 bill requires the owner to prove damages by a preponderance
34 of the evidence. The bill does not allow damages for an
35 obstruction for which a building permit was issued prior to the

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1 installation of the solar energy system, or an obstruction that
2 existed on or before the solar energy system was installed.