

ORDINANCE NUMBER 2-2023

CENTRE TOWNSHIP

PERRY COUNTY, PENNSYLVANIA

SOLAR ENERGY ORDINANCE

Adopted at a Public Meeting Held on May 2, 2023

CENTRE TOWNSHIP
MUNICIPAL DIRECTORY

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Jason Kelly - Vice Chairman
Ricky Burkholder

Township Secretary

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**TOWNSHIP OF CENTRE
PERRY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2-2023

AN ORDINANCE SETTING FORTH PROVISIONS AND STANDARDS REGULATING SOLAR ENERGY FACILITIES WITHIN THE TOWNSHIP OF CENTRE, PERRY COUNTY, PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE SECOND CLASS TOWNSHIP CODE, AND ESTABLISHING THE PROCEDURES TO BE FOLLOWED BY THE CENTRE TOWNSHIP BOARD OF SUPERVISORS IN THE APPLICATION AND ADMINISTRATION OF SAID PROVISIONS AND STANDARDS, AND PROVIDING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Centre, Perry County, Pennsylvania, as follows:

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ARTICLE I GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the "Centre Township Solar Energy Ordinance."

Section 102. Purpose

The purposes of this Ordinance are to provide reasonable regulations for solar energy generation and production within the Township that will protect the welfare, safety, character and integrity of agriculture, residential, rural, environmental, natural and historic resources in the Township while providing for the appropriate development of solar energy facilities within the Township; to minimize adverse visual impacts of solar energy facilities through careful siting and landscape screening; to avoid potential harmful impacts on adjacent properties from solar energy projects; and to provide for the safe and proper removal of all solar energy facilities that are either abandoned or fail to meet the requirements set forth in these regulations.

Section 103. Definitions

ACCESSORY SOLAR ENERGY SYSTEM (ASES): A Solar Energy System used to capture solar energy for use primarily by residential, commercial, institutional, industrial or other uses of land located on the same property on which the Solar Energy System is located. This may include incidental sale of excess energy to an electrical utility. For purpose of this ordinance, a Solar Energy System that has a power rating of more than 15kW shall not be considered an Accessory Solar Energy System.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for a permit for a solar energy system, including his/her heirs, successors and assigns.

DEVELOPER: Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom plans for a solar energy system are being or have been prepared.

GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

LANDOWNER: The legal, beneficial, equitable owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground-mounted, or wall- or roof-mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

REPOWERING: the process of upgrading or updating the power-generating equipment on a site.

SLOPE: The degree of deviation of a surface from horizontal. Slope is expressed in a percentage that indicates the rate of elevation change in feet per one hundred (100') feet.

SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM: A system comprised of Solar Panels and other Solar Related Equipment used to capture solar energy and convert it into electrical energy or thermal power for use on the property where the system is located or for use off the site where the system is located or both.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

SOLAR ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL: The part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, water heating and/or electricity generation.

TOWNSHIP: Centre Township, Perry County, Pennsylvania.

Section 104. Applicability

All regulated activities and all activities that propose a solar energy facility or the repowering of a solar energy facility are subject to regulation by this Ordinance.

Section 105. Repeal

Any other ordinance provision(s) or regulation of the Township inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 106. Severability

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 107. Compatibility with Other Requirements

Approvals issued and actions taken pursuant to this Ordinance do not relieve the Applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Ordinance shall be followed.

Section 108. Erroneous Permit

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Township purporting to validate such a violation.

Section 109. Waivers

- A. If the Township determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Township may, after an evaluation of alternatives, approve measures other than those in this Ordinance.
- B. Waivers or modifications of the requirements of this Ordinance may be approved by the Township if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. The request for waiver or modification shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.

ARTICLE II

ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

Section 201. General Requirements

- A. The ASES layout, design, and installation shall conform to applicable industry standards, and shall comply with Uniform Construction Code requirements, and with all applicable fire and life safety requirements.
- B. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.
- C. The ASES shall be designed to use all energy created solely on site.
- D. All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from or with adjacent properties unless access or reliance permissions are obtained from the owner of the adjacent property.

Section 202. Design Standards

- A. All ASES shall be situated such that concentrated solar radiation or glare does not project onto nearby properties, structures, and roadways.
- B. A roof-mounted and wall-mounted ASES or wall-mounted ASES may be located on a principal or accessory building on the property where the energy will be utilized after the owner provides the Township evidence certified by an appropriately licensed professional that the roof is capable of holding the load of the ASES and if it does not exceed 35 feet high.
- C. A ground-mounted ASES shall be setback from any property line at least a distance of 20 feet and shall not exceed a height of 25 feet.
- D. A ground-mounted ASES shall be screened from any adjacent property that is used for residential purposes. The screen shall consist of a mixture of native plant, shrub, grasses and flowering plant species that provides a screen at least 6 feet to 8 feet tall when mature. In lieu of a plant or shrub screen, a decorative fence may be used.
- E. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

- F. Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- G. A buffer of at least 20 feet between a ground-mounted ASES and any perimeter fencing or screening shall be provided for emergency vehicle access.
- H. All outdoor lighting, including wall-mounted fixtures, shall be placed or shielded to prevent direct illumination glare and trespass light on adjacent properties and rights-of-way.

Section 203. Operation and Maintenance

- A. ASES must be properly maintained and be kept free from all hazards, including but not limited to; faulty wiring, loose fastenings or being in an unsafe condition or condition detrimental to public health, safety or general welfare.
- B. If an ASES system is unused for a period of 12 months, the owner shall commence the decommissioning the system and complete the decommissioning within 12 months.

ARTICLE III

PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

Section 301. General Requirements

- A. An application for a permit shall include mapping that identifies the lands proposed for the facility, the proposed layout for the facility and a sketch showing details about the location in reference to residences, streams, and other features of the land; and a Project Narrative that shall include an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity dimensions, and respective manufactures, and description of any ancillary facilities to the solar-energy system. The Application shall include an affidavit or similar evidence of agreement between the property owner(s) and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.
- B. Before construction may commence, plans for the development meeting the requirements of the Township Stormwater Management Ordinance if applicable and the Subdivision and Land Development Ordinance if applicable must be submitted to the Township for review and approval, all construction and development must comply with the approved plans.
- C. All PSES developments must comply with all applicable Federal, State and local regulations, and have permits required by any governmental regulatory agency with jurisdiction over any aspect of the development. Such requirements shall include, but shall not be limited to, Soil Erosion and Sedimentation Plans, Wetlands Permits and NPDES Permits. No construction may commence without required permits and approvals. All construction and maintenance shall be in accordance with all such permits and approvals.
- D. The layout, design, installation, and ongoing maintenance of all PSES shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), and recognized Solar Rating and Standards organizations, and shall comply with the PA Uniform Construction Code as applicable, and with all other applicable fire and life safety requirements.
- E. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the intent to install a grid-connected system and approved of such connection.
- F. All solar energy systems shall be designed and located to ensure solar access without reliance on and/or from or with adjacent properties unless access or reliance permissions are obtained from the owner of the adjacent property.

Section 302. Design Standards

- A. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- B. All PSES shall be situated to eliminate glare onto nearby structures, properties, and roadways.
- C. An Emergency Management Plan shall be prepared for purposes of informing the local and neighboring fire departments of hazardous conditions that might be encountered in responding to an emergency or disaster, and providing information about handling such situations as well as persons to contact in such events. This plan shall be provided to the Township and shall be updated as necessary. The owner or operator of the PSES shall meet with the emergency response organizations as requested to address safety issues and concerns.
- D. No ground-mounted PSES facilities, shall be located within 100 feet of a property line or the right-of-way of a public roadway. This shall not preclude the location of driveways or fencing which shall be setback a minimum of 75 feet from property lines. If the PSES occupies two or more adjacent properties, setbacks between the adjacent properties shall be waived along the shared property boundaries so that the PSES may be installed continuously and make the most efficient use of the project area.
- E. No ground-mounted PSES facilities shall be located within 300 feet of any residential building or within 150 feet of any well or spring used for public or private water supply or within 50 feet of any 100-year floodplain, water course, pond, wetland, or important natural habitat as defined in the Township's subdivision and land development ordinance.
- F. No ground-mounted PSES facilities shall exceed a height of 25 feet.
- G. Screening shall be required between ground-mounted PSES facilities and adjoining residential properties. This screen may consist of any of the following: six feet high opaque decorative fencing, or a mixture of native trees, shrubs, grasses, and flowering plants planted and spaced to create a continuous visual buffer at least 6 feet tall within 5 years, or a natural wooded buffer at least 30 feet in width. Earthen berms should be used around inverters, substations and other equipment where feasible.
- H. PSES owners shall use low maintenance and/or low growing native perennial vegetation on surfaces under the system as a BMP for stormwater management and as identified by the Pennsylvania Department of Conservation and Natural Resources.
- I. When land surface slopes are 10% or more, the plan shall follow the stormwater runoff control specifications as laid out in the Pennsylvania Department of Environmental Protection's "Chapter 102 permitting or Solar Plan Farms: Frequently Asked Questions" dated January 2, 2019. When structural BMP's are proposed, their design should be based on PA DEP protocols for site evaluation and soil testing and infiltration guidelines as recommended in Pennsylvania's stormwater BMP manual.

- J. Unless specific permission is obtained from the holder of an easement or right-of-way. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location where solar would impede the operation of the facilities occupying the easement or right-of-way, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- K. All ground-mounted PSES shall be completely enclosed by fencing that consists of a minimum six (6) foot-high fence with a locking gate, or as designated by the Township. A 6-inch-high wildlife gap shall be provided at the bottom of the fencing.
- L. At a minimum, a 25-foot-wide access road must be provided from a state or township roadway into the site. At a minimum, a 15-foot-wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
- M. The ground-mounted PSES shall not be artificially lighted except to the extent required for safety, or applicable federal, state, or local regulations. All outdoor lighting, including wall-mounted fixtures, shall be placed or shielded to prevent direct illumination glare and trespass light on adjacent properties and rights-of-way.
- N. For a PSES proposed to be mounted on the wall or roof of a building or other existing structure, the owner shall provide evidence that the plans comply with the Uniform Construction Code, and shall provide evidence certified by an appropriately licensed professional that the roof and structure(s) are capable of holding the load imposed on the structure.
- O. Noise-generating components of the solar energy system or solar-related equipment must be located or shielded so as to result in a noise level of no more than 50 decibels at the property boundary.

Section 303. Operation and Maintenance

- A. The PSES shall be maintained in good working order in accordance with all applicable standards. Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment and structures. All electrical control devices associated with the PSES shall be locked to prevent unauthorized access or entry.
- B. PSES must be properly maintained and kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, or being in an unsafe condition or condition detrimental to public health, safety or general welfare.
- C. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

- D. At all times, the PSES owner and/or operator shall keep the Township informed of persons to contact in the event of any hazard, danger, event that causes harm to the facility or emergency, such information shall include names, titles, addresses, phone numbers, and email information for the persons responsible for the public to contact with inquiries and complaints throughout the life of the project.
- E. Widespread use of herbicides to control ground cover growth is prohibited.

Section 304. PSES Decommissioning or Removal

Provisions for the decommissioning or removal of an abandoned PSES shall be made in accordance with the following standards:

- A. An affidavit, or similar evidence, signed by the property owner and the PSES facility owner affirming a lease agreement with a decommissioning clause (or similar) and a Successors and Assigns clause. The decommissioning clause must provide for the dismantling and removal of the PSES, including but not limited to buildings, electrical components, electrical transmission lines, roads, and other associated facilities from the property. The successors and Assigns clauses must bind those successors and assigns to the lease agreement.
- B. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) consecutive months and the owner has not initiated remedial actions to return the PSES to a generating site. If the PSES owner fails to dismantle and/or remove the PSES within eighteen (18) months of cessation or abandonment, the Township may complete the decommissioning at the property owner's expense.
- C. The PSES owner must post a bond when the application for such a system is filed with the Township, in an amount determined by the Township's engineer, to ensure the proper decommissioning.
- D. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted to the Township every ten (10) years or within 6 months of any change in ownership. Upon approval of the estimated costs by the Township's engineer, a revised surety shall be provided to the Township in the amount of one hundred percent (100%) of the new estimate.

ARTICLE IV

ADMINISTRATION

Section 401. Administration

- A. Before a Solar Energy System may be constructed, a permit for such facility must be obtained from the Township.
- B. An application for a permit must be submitted to the Township together with a permit fee to be established by the Township.
- C. The Permit application shall include the identification of the property where the ASES or PSES is to be located, the name of the owner of the property where the ASES or PSES will be located and the name, address and contact information for the Applicant and persons responsible for the construction and operation of the Solar Energy facility. The application shall include drawings showing the location of the solar energy system on the building or property, including property lines and roadways.
- D. The Township may grant modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the property in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
- E. The owner of the real property upon which the solar energy system shall be erected, as well as the Applicant, shall be responsible for compliance with this Ordinance.
- F. The Ordinance shall be administered by a person appointed by the Board of Supervisors who shall be referred to as the Enforcement Officer.

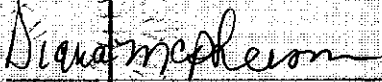
Section 402. Enforcement

- A. Upon the receipt of credible information suggesting that the Solar Energy System is being constructed, maintained, or used in a manner in violation of this Ordinance or any other applicable governmental regulations, the Enforcement Officer shall make an investigation. If it is determined that there is a violation of this Ordinance, the owner and/or operator shall be given written notice of the violation and given a reasonable time to correct the violation, the written notice shall be given either by personal service or registered or certified mail to the last known address, such written notice shall be required to enforce the remedies set forth in this Ordinance. However, the Township shall still be entitled to give a verbal notice for defective systems as authorized above.
- B. Upon failure of such Applicant to comply as directed in said notice, the Enforcement Officer, other Township officials, or solicitor may appear on behalf of the Township and initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate or other Court of Law.
- C. Any Owner and/or Applicant of a Solar Energy System who or which shall violate or permit to be violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding brought by the Township before a District Magistrate, pay a fine of not less than one thousand dollars (\$1,000.00), plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No fine shall commence or be imposed, levied, or be payable until the date of the determination of the violation by the Magistrate. Each day that a violation exists and is continued shall constitute a separate offense.

D. In addition, the Township shall also be entitled to recover from any Applicant all the Township's costs arising out of or related to the enforcement of this Ordinance. Such Costs may also include those to remedy violations of this Ordinance or to abate nuisances. The Costs shall include, but not be limited to, engineer fees, geologist fees, attorney fees. The Costs may be collected as a Municipal Claim under applicable law against the property upon which the solar energy system, or portions thereof, is located.

Adopted as an ordinance this 2nd day of May, 2023 and effective five days after the date as provided by law.

ATTEST:



Diana McPherson

Secretary



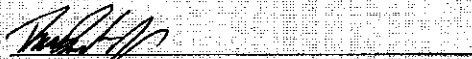
Colin D. Reynolds

Colin D. Reynolds, Chairman



Jason Kelly

Jason Kelly, Vice-Chairman



Ricky L. Burkholder, Jr.

Ricky L. Burkholder, Jr., Supervisor