

VENANGO TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA
ORDINANCE NO. 2021 - _____

AN ORDINANCE OF VENANGO TOWNSHIP,
CRAWFORD COUNTY, COMMONWEALTH OF
PENNSYLVANIA, TO PROVIDE REGULATIONS FOR
SOLAR ENERGY SYSTEMS

Be it Ordained and Enacted by the Board of Supervisors of Venango Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority thereof as follows:

Section 1. Purpose. This ordinance is enacted pursuant to the general authority of the Second Class Township Code for the purpose of providing reasonable regulations for business of solar energy generation and production within the Township that will protect the welfare, safety, character and integrity of agricultural, residential, rural, environmental, natural and historic resources in the Township while providing for the appropriate location and 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 operations; 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 2 - Definitions

ACCESSORY SOLAR ENERGY SYSTEM (ASES): A Solar Energy System used to capture solar energy for use 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 purposes 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.

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

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, 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.

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, for water, heating and/or for electricity.

TOWNSHIP: Venango Township, Crawford County, Pennsylvania.

Section 3 - Accessory Solar Energy Systems (ASES). Accessory Solar Energy Systems shall be constructed and used in accordance with the following standards:

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.

All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.

The ASES shall be designed to use all energy created solely on site.

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.

All ASES shall be situated such that concentrated solar radiation or glare does not project onto nearby properties, structures, or roadways.

A Roof Mounted and Wall Mounted Accessory Solar Energy Systems roof mounted or wall mounted ASES may be located on a principal or accessory building on the property where the energy will be utilized if the owner shall provide 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 in height.

A Ground Mounted Accessory Solar Energy System shall be setback from any property line at least a distance of 20 feet, and shall not exceed a height of 25 feet.

A Ground Mounted Accessory Solar Energy System shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The

screen shall consist of a native plant or shrub species, at least 6' to 8' when mature. In lieu of a plant or shrub screen, a decorative fence may be used.

Ground mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a construed storm water conveyance system.

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.

Accessory Use Solar Energy Systems 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.

If an ASES system is inoperable for a period of 12 months, owner should decommission the system.

Section 4 - Principal Solar Energy Systems (PSES). Principal Solar Energy Systems shall be constructed and used in accordance with the following standards:

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 manufacturers, 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.

Before construction may commence plans for the development meeting the requirements of the Township Stormwater Management Ordinance, the

Subdivision and Land Development Ordinance must be submitted to the Township for review and approval, and all construction and development must comply with approved plans.

All Principal Use Solar Energy Systems 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, and NPDES Plans. No construction may commence without required permits and approvals and except in accord with all such permits and approvals.

The layout, design, installation, and ongoing maintenance of all Principal Use Solar Energy Systems 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. 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. Principal Use Solar Energy Systems 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. All on-site transmission and plumbing lines shall be placed underground to the extent feasible. 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.

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.

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.

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.

All PSES shall be situated to eliminate glare onto nearby structures and roadways.

An Emergency Management Plan shall be prepared for purposes of informing the County Emergency Management Agency 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 neighboring fire departments and shall be updated as necessary. The owner or operator of the PSES shall meet with emergency response organizations as requested to address safety issues and concerns.

No Ground Mounted Principal Solar Energy System 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.

No Ground Mounted Principal Solar Energy System facilities shall be located within 300 feet of any residential building.

No Ground Mounted Principal Solar Energy System facilities shall exceed a height of 25 feet.

Screening shall be required between Ground Mounted Principal Solar Energy System facilities and adjoining properties on which residential uses are located. This screening may consist of any of the following: six feet high opaque decorative fencing, or a double staggered row of evergreen trees at least four feet high planted and spaced to create a continuous visual buffer 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.

Widespread use of herbicides to control ground cover growth is prohibited.

PSES owners shall use low maintenance and/or low growing native perennial vegetation on surfaces under the system as a best management practice for stormwater management and as identified by the Pennsylvania Department of Conservation and Natural Resources.

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 storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

Security. 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.

Access. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site. At a minimum, a 15' 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.

The ground mounted PSES shall not be artificially lighted except to the extent required for safety, or applicable federal, state, or local regulations.

For a Principal Solar Energy System mounted on the 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.

Section 5. Decommissioning or Removal of Principal Solar Energy Systems (PSES). Provision for the decommissioning or removal of an abandoned Principal Solar Energy System shall be made in accordance with the following standards:

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 all solar related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, electrical transmission lines, roads, and other associated facilities from the property. The Successors and Assigns clause must bind those successors and assigns to the lease agreement.

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.

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.

During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every ten (10) years to the Township. 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.

If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be returned to an environmentally stable condition.

Section 6. Administration

Before a Solar Energy System may be constructed, a permit for such facility must be obtained from the Township.

An application for a permit must be submitted to the Township together with a permit fee to be established by the Township.

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.

The application shall also include information sufficient to show that the facility will meet all regulatory requirements.

Modifications. 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.

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.

The Ordinance shall be administered by a person appointed by the Board of Supervisors who shall be referred to as the Enforcement Officer.

Section 7. - Enforcement.

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.

Upon failure of such Applicant to comply as directed in said notice, the Enforcement Officer, other municipal 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.

Any Owner or Operator 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 Court of Law, pay a fine of not less than one thousand hundred (\$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 Court. Each day that a violation exists and is continued shall constitute a separate offense.

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, 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.

Section 8. Construction and Severability

1. The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations. If the provisions of this section and state law are in conflict, then state law shall prevail.
2. It is the intention of the Municipality's governing body that the provisions of this Ordinance are severable and if any provisions of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of a court of

competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of this Ordinance.

Section 9. – Repealer

All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 10 – Effective Date

This Ordinance shall become effective five (5) days after its enactment.

Ordained and Enacted this _____ day of _____, 2021.

VENANGO TOWNSHIP BOARD OF SUPERVISORS

By: _____
Chairman

By: _____
Vice-Chairman

By: _____
Supervisor

ATTEST:

Secretary