

**HEPBURN TOWNSHIP
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE 09.10.2024.01

1. **AUTHORITY AND PURPOSE:** This Ordinance is authorized by the Municipalities Planning Code and is intended to define and regulate Solar Energy Development as either an acceptable accessory use in any zoning district or if not necessary to a principal use, then as Conditional Use in the Agricultural Zoning District.

2. Hepburn Township's Code of ordinances is amended by the following:

A. Section 27-202 (Definitions) the definitions for Accessory Solar Energy System, Solar Energy Development, and Solar Energy System are deleted and replaced with the following:
27-202 Definition of Terms

Accessory Solar Energy System

An area of land or other area used for solar energy system or used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power for on-site use. An accessory solar system consists of one or more freestanding ground or roof mounted solar arrays or modules, or solar related equipment and is intended to reduce on-site consumption of power or fuels for use on-site by a generator.

Solar Energy Development

A solar energy system that has an alternating current (AC), through connections to the electric grid, is capable of producing power to off-site customers. For purposes of this chapter, solar energy development does not include accessory solar energy systems.

Solar Energy System

A solar photovoltaic collection device and energy equipment including supporting infrastructures such as solar arrays, panels, distribution wires, batteries, storage cells, and all other mechanical equipment using solar radiation to generate, store and distribute energy. Solar energy systems may include substations and inverters and other accessory equipment.

B. Section 27-644 (Solar Energy Development) is deleted and replaced with the following:

27-644. Solar Energy System

1. Residential Roof Mounted Solar.

A. Solar energy system design and installation.

1. Design safety certification. The design of the solar energy system shall conform to all applicable industry standards, including those of the American national Standards Institute.
2. The solar energy system shall comply with the Pennsylvania Uniform Construction Code, 34 PA. Code 403.1-403.142.
3. The solar energy system shall conform to the National Electrical Code.
4. Noise emitted from solar energy system equipment shall not exceed 40 dBa, measured at the exterior lot lines of the solar energy system.
5. The solar energy system shall not cause any radio frequency interference with consumer appliances.
6. The maximum size of a roof mounted solar energy system is 30 KW. Any solar energy system over the 30 KW will be considered a solar energy development.
7. After the solar energy system has been installed, a system orientation with the local Fire Company shall be required.

2. Residential Ground Mounted Solar.

A. Solar energy system design and installation.

1. Design safety certification. The design of the solar energy system shall conform to all applicable industry standards, including those of the American national Standards Institute.
2. The solar energy system shall comply with the Pennsylvania Uniform Construction Code, 34 PA. Code 403.1-403.142.
3. The solar energy system shall conform to the National Electrical Code.
4. Noise emitted from solar energy system equipment shall not exceed 40 dBa, measured at the exterior lot lines of the solar energy system.
5. The solar energy system shall not cause any radio frequency interference with consumer appliances.

6. The maximum size of a ground mounted solar energy system is 30 KW. Any solar energy system over the 30 KW will be considered a solar energy development.
7. After the solar energy system has been installed, a system orientation with the local Fire Company shall be required.

B. Solar energy system site.

1. The solar energy system shall be located on one tax parcel.
2. Required fencing and minimum setbacks
 - A. All solar panels, batteries, storage cells, inverters and supporting mechanical equipment necessary for the operation of the solar energy system, which are not enclosed within a building, as well as all internal open spaces and circulation areas between the rows of panels shall be included within a perimeter security fence with a minimum height of four (4) feet.
 - B. All fenced area shall be set back fifty (50) feet from lot lines of adjoining lots.
3. Glare
 - A. Solar arrays and panels shall incorporate an anti-reflective surface.

C. Decommissioning

1. A decommissioning plan shall be submitted as part of the zoning permit application for the solar energy system and shall include, but not limited to the following:
 - A. A schedule and method for the removal of the solar energy system.
 - B. A plan to restore the land to its condition that existed immediately prior to the installation of the solar energy system.

- C. A decommissioned solar energy system shall be removed from the property within six (6) months of decommissioning.

3. Solar Energy Development

A. Relationship to other requirements.

1. The provisions, regulations, limitations and restrictions of this 27-644 shall supersede all provisions, regulations, limitations and restrictions that are in conflict with the provisions, regulations, limitations and restrictions set forth in this 27-644. To the extent that a provision, regulation, limitation or restriction is not specifically referenced in or regulated by this 27-644, then the applicable provisions, regulations, limitations and restrictions of this section, as applicable, shall govern.

B. Requirements. Notwithstanding any provision of this section to the contrary, all solar energy developments shall comply with the following requirements:

1. Solar energy system design and installation.

- A. Design safety certification. The design of the solar energy development at all times shall conform to all applicable industry standards, including those of the American National Standards Institute.

- B. Uniform Construction Code. To the extent applicable, the solar energy development shall comply with the Pennsylvania Uniform Construction Code, 34 PA Code 403.1-403.142.

- C. Electrical components. All electrical components of the solar energy development shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

- D. Noise. Noise emitted from the solar energy development equipment shall not exceed 40dBa, measured at the exterior lot lines of the solar energy development.

E. Non-interference. The solar energy development shall not cause any radio frequency interference with consumer appliances.

C. Solar energy development site.

1. The solar energy development shall be located on one tax parcel.

2. Plan approval. A land development plan shall be required for a solar energy development.

3. Required fencing and minimum setbacks.

A. All solar panels, batteries, storage cells, inverters and supporting mechanical equipment necessary for the operation of the solar energy system, which are not enclosed within a building, as well as all internal open spaces and circulation areas between the rows of panels shall be included within a perimeter security fence with a minimum height of six (6) feet.

B. All buildings and required fenced areas shall be setback at least:

1. Twenty-five (25) feet from an occupied principal buildings located on lots which the solar energy development is located, but which occupied principal buildings are not part of the solar energy development.

2. Fifty (50) feet from lot lines of adjoining lots with existing dwellings on which the solar energy development is not located.

C. These setback requirements, as well as any yard of setback requirements of the underlying zoning district are not applicable to any other lot line or property line of a lot on which the solar energy development is located and bisecting the solar energy development site.

4. Maximum lot/impervious coverage. Except as noted herein, the areas beneath individual solar panels are considered pervious (i.e., not impervious surface). All supporting foundation systems for the solar panels, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars, shall be considered an impervious surface. The maximum lot/impervious coverage of a solar energy development shall be 35%.

5. Access and parking.

A. A minimum ten (10) foot wide gravel access drive shall be provided within a minimum twenty (20) foot-wide access easement connecting the solar energy development to a street or road so as to ensure adequate emergency and service access is provided. Internal circulation aisles installed for onsite circulation between the rows of solar panels within the solar energy development shall be ten (10) feet wide and shall be permitted to be grass covered.

B. Off-street parking and off-street loading are not required, except at least one (1) off-street parking space shall be provided at any substation that is part of any solar energy development.

6. Minimum buffer area/screening.

A. A minimum twenty-five (25) foot-wide buffer area consisting of natural and undisturbed vegetation and any required screening treatments shall be provided along:

1. Road frontage of the lot that is part of the solar energy development; and

2. Adjoining lots where the existing dwellings are within fifty (50) feet of the solar energy development.

B. Access driveways, utility lines, and stormwater management facilities shall be permitted to cross perpendicularly any required buffer area.

C. The buffer area shall be permitted to coincide with and be located within any required yard or setback area.

D. Where the required buffer area is located within fifty (50) feet of an existing dwelling on a lot or property that is not part of the solar energy development, the buffer area shall include a combination of preservation of existing mature vegetation or newly installed vegetation, walls or solid fences, or topography, or other acceptable screening treatment, so as to achieve a minimum of fifty (50) feet capacity throughout the year, at a minimum height of six (6) feet, within five (5) years of the solar energy development commencing operation.

7. Glare. Solar arrays and panels shall incorporate antireflective surfaces or be placed and arranged such that objectionable glare shall not result on adjoining properties or streets or roads. The applicant shall submit with the conditional use application a glare analysis in a potential for all days of the year and all hours of the day and shall demonstrate to the Township's satisfaction that no objectionable glare will result on adjoining properties or streets and roads.

8. Signs. Warning/safety signs indicating voltage shall be on solar equipment, including substations and inverters, to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except:

A. Manufacturer's, installer's or operator's identification;

B. Appropriate warning signs and placards;

C. Signs that may be required by a federal or state government agency; and

D. Signs that provide twenty-four (24) hour emergency contact information.

9. Use of public roads.

A. The applicant shall identify all state and local roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the solar energy development.

B. The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

C. The Township may require the applicant to bond any road to be used during construction of the solar energy development. Any bonding required shall be in accordance with the Township's regulations for bonding roads.

D. Any road damage caused by the applicant or its contractor shall be promptly repaired at the applicant's expense.

E. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

10. Fire company. Before commissioning of the solar energy development, an onsite orientation and training of the solar energy development with fire company officials.

C. Abandonment and decommissioning. A solar energy development that has not generated electricity for a period of eighteen (18) consecutive months shall be deemed to be abandoned and shall be decommissioned within eighteen (18) months from the date it is deemed abandoned. A decommissioning plan shall be submitted as part of the zoning permit

application for the solar energy development and shall include, but not be limited to, the following:

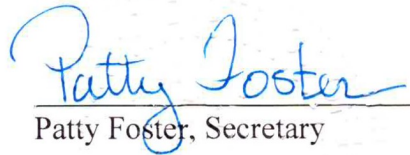
1. A schedule and method for the removal of the solar energy development;
2. A plan for restoring the land to its condition that existed immediately prior to the development of the solar energy development, including grading and vegetative stabilization, but excluding buildings and other structures;
3. A performance bond or financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan, which shall be submitted prior to the start of construction of the solar energy development; and
4. An obsolete or unused solar energy development and appurtenant structures shall be removed from the property within eighteen (18) months of abandonment or decommissioning.

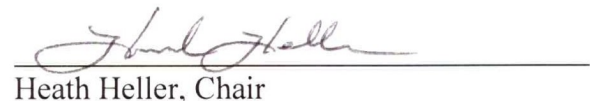
3. **REPEALER.** Any Ordinance provisions inconsistent with these provisions are hereby repealed.

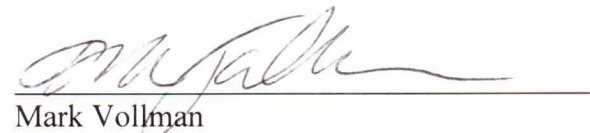
4. **EFFECTIVE DATE.** This Ordinance takes effect in thirty (30) days.

Enacted this 10th day of September, 2024

ATTEST:


Patty Foster, Secretary


Heath Heller, Chair


Mark Vollman


Brian Quigel