**ORDINANCE NO. 06-27-24**

AN ORDINANCE OF THE TOWNSHIP OF LOGAN, COUNTY OF BLAIR, PENNSYLVANIA, AMENDING CHAPTER 27 OF THE TOWNSHIP OF LOGAN CODE OF ORDINANCES ENTITLED "ZONING" TO: 1. AMEND PART 3 TO ADD DEFINITIONS FOR CERTAIN TERMS RELATED TO SOLAR ENERGY SYSTEMS AND DELETE EXISTING DEFINITIONS; 2. AMEND PART 10 TO DELETE SECTION 1021 IN ITS ENTIRETY; 3. ADD PART 17 TO SET FORTH GENERAL REQUIREMENTS AND STANDARDS FOR ALL SOLAR ENERGY SYSTEMS; 4. PROVIDE REAFFIRMATION OF CHAPTER 27; AND 5. PROVIDE AN EFFECTIVE DATE.

The Board of Supervisors of the Township of Logan hereby ordains the following:

**SECTION 1. AMENDMENT TO CHAPTER 27 "ZONING".**

Chapter 27 of the Township of Logan Code of Ordinances is hereby amended with all material to be added indicated throughout with underlining and all material to be deleted to be indicated throughout with ~~strikethrough~~ as follows:

**I. Part 3, §301 "Definitions" is hereby amended to add the following definitions to be inserted where alphabetically appropriate and delete certain definitions no longer applicable:**

ACCESSORY SOLAR ENERGY SYSTEM (ASES) - An area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site consumption by structures located on the parcel where the system is located. Additionally, ground mounted or freestanding Solar Energy Systems with an output size of not greater than 50kw shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings shall also be considered accessory solar energy systems. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

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 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 consumption by structures located on parcels other than where the system is located or for sale to power distribution companies. 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 COLLECTION SYSTEM - A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating. The collection system may be either structurally attached or freestanding.~~

~~SOLAR PANEL - An electrical device consisting of an array of connected solar cells which converts solar energy into electricity.~~

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 (SES) - An area used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

SOLAR PANEL - That 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.

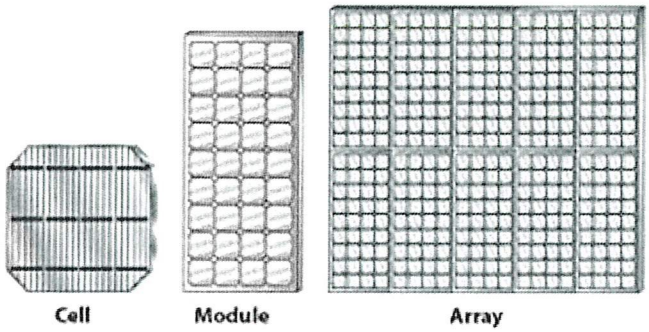
SOLAR PROJECT AREA - The total area of land including the Principal Solar Energy System, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads.

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

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

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

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




**II. Part 10, entitled "Exceptions and Special Provisions", is hereby amended as follows:**

~~**§ 1021. General Requirements and Standards for all Solar Collection Systems.**~~

~~1. General Requirements.~~

~~A. Solar collection systems shall be considered an accessory use in all zoning districts.~~

~~B. Solar collection systems which are intended to be the primary use on the lot, may only be located in an Industrial Zoning District.~~

~~C. Solar collection systems shall comply with all applicable building and electrical codes.~~

~~D. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement at the Blair County Courthouse.~~

~~2. Standards for Freestanding Solar Collectors.~~

~~A. Collection systems shall be classified as accessory structures and shall not be located in the front yard between the principal structure and the public right-of-way.~~

~~B. Setbacks: 10 feet from all property lines and other structures.~~

~~C. Height: Freestanding collection systems shall not exceed 20 feet in height.~~

~~D. Size: Freestanding collection systems on residential properties shall not exceed the greater of 1/2 the footprint of the principal structure or 600 square feet, whichever is less. The size of panels for nonresidential properties shall not exceed 1/2 of the footprint of the principal structure.~~

~~3. Standards for Structurally Attached Solar Collectors.~~

~~A. On a sloped roof, the collection system may not extend above the peak of the roof. On a flat roof, the collection system may not extend vertically more than five feet above the roof.~~

~~B. Collection systems shall not exceed the maximum height permitted in the zoning district in which it is located.~~

~~C. Collection systems located on the roof or attached to a structure shall provide, as part of their permit application, a structural certification.~~

~~D. Solar collection systems may be located on accessory structures.~~

**III. Part 17, entitled "Solar Energy Systems", is hereby added as follows:**

**§ 1701. Title**

This Part shall be known as the "Logan Township Solar Energy System Ordinance for Logan Township".

**§ 1702. Purpose**

The purpose of this ordinance is to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems (SESs) in a manner that promotes and protects the safety, health, and welfare of the community. This ordinance encourages the appropriate citing of SESs to bolster local economic development and job creation, diversify the state's energy portfolio, strengthen energy and grid security, and reduce other environmental impacts. The appropriate siting of SESs establishes standards and requirements to assure that the use and enjoyment of lands located adjacent to and in the proximity of SESs are fully protected.

The requirements of this Ordinance are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

**§ 1703. All Solar Energy Systems.**

A. The following regulations apply to all solar energy systems including Principal Solar Energy Systems and Accessory Solar Energy Systems.

1. Solar energy systems permitted prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this Section that materially alters the solar energy system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
2. Building permits obtained under the Township's adoption of the Uniform Construction Code are required for all solar energy systems.
3. Upon completion of installation, the solar energy system shall be maintained in good working order in accordance with Township ordinances. Failure of the property

owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the Township.

4. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

5. Glare

   a. All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.

   b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

6. No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.

7. Decommissioning

   a. The solar energy system owner is required to notify the Township, in writing, immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.

   b. The solar energy system owner shall then have 6 months from abandonment, unless otherwise extended by the Township, in which to dismantle and remove the solar energy system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the solar energy system within the established timeframes, the Township may complete the decommissioning at the owner's expense.

8. Prior to the issuance of a zoning or building permit, solar energy system applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself; either of the following:

   a. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or

   b. The right to prohibit the development on or growth of any trees or vegetation on such adjoining or other property.

   This acknowledgement shall be submitted to the Township for all Solar Energy Systems.

9. Solar Easements

a. Where a subdivision or land development proposes a solar energy system, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.

b. If necessary, a solar energy system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

## § 1704. Principal Solar Energy Systems (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems:

1. PSES are permitted in the Industrial zoning district.

2. PSES are permitted in the Ag District with the following restrictions:

a. The property upon which the PSES will be developed shall be a minimum of 25 acres in size.

b. No more than 50% of the parcel may be used for development of the PSES.

c. Solar panels shall be set back from the nearest occupied residential building located on a non-participating landowners property, a distance of not less than 150 feet measured from the outer edge of the solar panel nearest to the occupied building to the nearest point on the foundation of the occupied building.

d. The PSES cannot be developed on land that has a slope greater than 15%.

e. The PSES cannot be developed within fifty (50) feet of the top of bank of any stream, river, drainage corridor, FEMA delineated floodway / or delineated wetland unless an encroachment permit is obtained through DEP.

3. Stormwater for a PSES shall be designed in accordance with Pennsylvania Department of Environmental Protection's (PADEP) guidelines on Chapter 102 Permitting for Solar Panel Farms.

4. Permit Requirements

a. PSES shall comply with the municipal subdivision and land development ordinance requirements through submission of a land development plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulations.

b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

5. Decommissioning

a. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Township to secure its obligations under this Section.

i. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs").

ii. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 50% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by Logan Township.

iii. On every 5th anniversary of the date of providing the decommissioning financial security the PSES Owner shall provide an updated decommission cost estimate, with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the PSES Owner shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning security estimate by the Township.

iv. Decommissioning security estimates shall be subject to review and approval by the Township and the PSES Developer/ Owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.

v. The decommissioning security may be in any form as permitted by the Township Land Development Ordinance.

vi. Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the Township outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.

6. Dimensional Requirements

| **Requirement** | |
|---|---|
| Minimum Lot Size | 25 acres |
| Minimum Setbacks | 50 feet (front, rear and side) |
| Maximum Height | 20 feet at maximum tilt |

7. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Chapter 27, Part 10, § 1015.

8. PSES 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 constructed storm water conveyance system.

9. Security

   a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate. The fence shall meet setback requirements for the use.

   b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

10. Access

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

    b. A 20' wide access road should be provided inside the fence around the entire perimeter of the site. Access / maintenance roads within the site shall be a minimum of 15' wide, interconnected where practical, and include adequate space for the turning movements of emergency service vehicles. The local fire department and Township Emergency Management Coordinator shall review the site plans to determine if emergency access is satisfactory.

    c. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.

11. PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

12. 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 customer's intent to install a grid connected system.

13. The applicant shall provide the local site contact with phone number, a copy of the project summary, and the site emergency response plan to the Township and local emergency service providers.

B. Roof and Wall Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

## § 1705. Accessory Solar Energy Systems (ASES)

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. ASES shall be permitted as a use by right in all zoning districts. The ASES shall have a max power rating as determined by the local utility provider.

2. Permit Requirements

a. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.

b. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

B. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks

a. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.

b. A ground mounted ASES shall not be located in the required front yard setback.

c. A ground mounted ASES may be located in the portion of the yard in front of the principal building and outside of the required front yard. The Zoning Officer may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard setback, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively. This demonstration shall be in the form of a letter from the Solar provider. When permitted, vegetative screening shall be provided. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence may be used. In the event the applicant does not agree with the decision of the Zoning Officer, the applicant shall file an appeal with the Zoning Hearing Board.

2. Height

a. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district. ASES permitted to be located in the front yard shall not exceed a height of 8 feet above the mean ground elevation surrounding the system.

3. 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.

4. 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 constructed storm water conveyance system.

C. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

   a. On a roof sloped greater than 2:12, the panels shall not extend past the peak of the roof, must align with the pitch of the roof (not at an angle), and cannot be mounted more than 8 inches above the roof.

   b. On a roof sloped 2:12 or less, the panels shall not extend higher than 3 feet above the roof.

2. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

3. Solar panels shall not extend beyond any portion of the roof edge, as measured vertical from the roof edge.

4. Roof mounted solar panels may be located on all sides of the roof.

**SECTION 2. REAFFIRMATION OF CHAPTER 27.**

Chapter 27 of the Township of Logan Code of Ordinances, except as amended hereby, remains in full force and effect and is hereby reaffirmed.

**SECTION 3. SEVERABILITY.**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Logan that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective upon the earliest date provided by law.

**ORDAINED AND ENACTED** as an Ordinance of the Township of Logan this 27th day of June, 2024.

LOGAN TOWNSHIP
BOARD OF SUPERVISORS

James A. Patterson , Chair

Joseph T. Metzgar, Vice Chair

Edwin J. Frontino, Supervisor

Ronald C. Heller, Supervisor

Patrick T. Jones, Supervisor

ATTEST:

Tiffany Noonan, Secretary