

**AN ORDINANCE AMENDING CHAPTER 27
OF THE CODE OF ORDINANCES OF THE
TOWNSHIP OF MONTOUR PERTAINING TO
SOLAR ENERGY FACILITIES**

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Montour, Columbia County, Pennsylvania, as follows:

SECTION 1. Chapter 27, Section 201 of the Code of Ordinances of the Township of Montour (the “Code”) is hereby amended by adding the following definitions in alphabetical order:

“Accessory Solar Energy System (ASES) – An area of land, structure-mounted or silo-mounted solar panels, or other area used for a solar collection 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 use. An accessory solar energy system consists of one or more freestanding ground or roof-mounted solar arrays or solar-related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Primary Solar Energy System (PSES) – An area of land or other area used for a solar energy collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power for use primarily off-site. A primary solar energy system consists of one or more freestanding ground or roof-mounted solar arrays or solar-related equipment and is intended to sell or distribute solar energy via the electrical grid or other transmission systems.

Solar Energy Facilities – identified as either Accessory Solar Energy Systems (ASES) or Primary Solar Energy Systems (PSES)”

SECTION 2. Chapter 27, Section 402 (6) of the Code is amended by adding Subsections I to read as follows:

“I. PRIMARY SOLAR ENERGY SYSTEM (PSES)

$\frac{C}{S} \quad \frac{A}{C} \quad \frac{SR}{N} \quad \frac{VR}{N} \quad \frac{HC}{N} \quad \frac{I}{C}$ ”

Accessory Solar Energy Systems (ASES) may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Chapter.

In addition to the Permit Application requirements of Section 1001 (3), each Permit Application for a Primary Solar Energy System shall contain:

- (1) A narrative describing the proposed solar energy facility, including an overview of the project; the project location; the approximate generating capacity of the solar energy facility; the approximate number, representative types and height or range of heights of solar collectors to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the

permission of the property owner to apply for necessary permits for construction and operation of the solar energy facility.

- (3) Identification of the properties on which the proposed solar energy facility will be located, and the properties adjacent to where the solar energy facility will be located.
- (4) A site plan showing the planned location of the solar collectors, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the solar energy facility to the substation(s), ancillary equipment, buildings, and structures, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback in.
- (5) Documents related to decommissioning in accordance with Supplementary Regulations.
- (6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Montour Township to ensure compliance with this chapter.

SUPPLEMENTARY REGULATIONS FOR A PRIMARY SOLAR ENERGY SYSTEM:

- (1) Any physical modification to an existing and permitted solar energy facility that materially alters the size, type and number of solar collectors or other equipment shall require a permit modification under this chapter. Like-kind replacements shall not require a permit modification.
- (2) The design of the solar energy facility shall conform to applicable industry standards, including those of the American National Standards Institute.
- (3) All electrical components of the solar energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (4) On-site transmission and power lines between solar collectors shall, to the maximum extent practicable, be placed underground.
- (5) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- (6) 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.
- (7) No signage other than the manufacturer's name/identification shall be on equipment.
- (8) The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the solar energy facility.
- (9) 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 30 days after construction is complete or as weather permits.
- (10) Montour Township may require bonding of access roads in compliance with state regulations.
- (11) Any damage to Township roads caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

- (12) In lieu of a bond, the applicant may demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- (13) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s). Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.
- (14) Liability Insurance. The operator shall maintain a general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.
- (15) Decommissioning.
 - (a) The facility owner and operator shall, at its expense, complete decommissioning of the solar energy facility, or individual solar collectors, within 12 months after the end of the useful life of the facility or individual solar collectors. The solar energy facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
 - (b) Decommissioning shall include removal of solar panels or collectors, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 - (c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - (d) The operator shall engage an independent Pennsylvania licensed professional engineer to provide an estimate of 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"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
 - (e) 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 25% 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 the Township.
 - (f) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
 - (g) If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection (a) of this paragraph, then the landowner shall have six months to complete decommissioning.
 - (h) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by Subsection (a) and (g) of this paragraph, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of

the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

- (i) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.
- (16) Public Inquiries and Complaints.
- (a) The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
 - (b) The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

SECTION 3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.


SECTION 4. The provisions of this Ordinance shall be severable. If any provision hereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision had not been included herein.

SECTION 5. This Ordinance shall take effect and be in force upon its adoption as provided by law.

ORDAINED AND ENACTED this 14th day of January, 2020.

**BOARD OF SUPERVISORS OF
MONTOUR TOWNSHIP**

Attest:



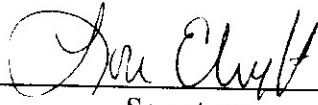
Secretary

By: 

Chairman

CERTIFICATION

I hereby certify that the Ordinance attached hereto is a true and correct copy of the original Ordinance adopted by the Montour Township Board of Supervisors at its regular meeting held _____, at which a quorum was present and voting throughout.



Secretary