

**TOWNSHIP OF WASHINGTON  
COUNTY OF CAMBRIA  
STATE OF PENNSYLVANIA  
ORDINANCE NO. 2024-1**

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA AMENDING ORDINANCE NO. 2006-1, AS AMENDED BY ORDINANCE NO. 2010-2 OF THE TOWNSHIP OF WASHINGTON ENTITLED “SUBDIVISION AND LAND DEVELOPMENT ORDINANCE” TO ESTABLISH COMPREHENSIVE REQUIREMENTS FOR THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF PRINCIPAL SOLAR ENERGY SYSTEMS AND ACCESSORY SOLAR ENERGY SYSTEMS, TOGETHER WITH ORDINANCE SPECIFIC DEFINITIONS, CIVIL REMEDIES FOR VIOLATIONS AND ENFORCEMENT PROCEDURES AND PENALTIES.**

**ARTICLE XIII**

**Section 1301 Purpose**

The purpose of the Ordinance is to provide requirements for the construction, operation, and decommissioning of Solar Energy Systems in the Township of Washington, subject to reasonable conditions that will protect public health, safety, and welfare. Nothing contained herein is intended to repeal, supersede, or conflict with other Ordinances of the Township.

**Section 1302 Definitions**

The following terms and phrases as used in this Ordinance shall have the meaning subscribed to them as follows:

**ACCESSORY SOLAR ENERGY SYSTEMS (ASES):** An area of land or other area used for a solar collection 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 (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.

**GROUND MOUNTED SOLAR PANEL:** A ground-mounted solar system that is a free-standing solar array mounted on the ground using either a rigid metal frame or atop a single pole.

**IMPERVIOUS SURFACES:** Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces as defined herein and as determined as such by the Township of Washington Engineer.

**PERSON:** Any natural person, corporate entity, business entity, or association of persons or entities.

**PRINCIPAL SOLAR ENERGY SYSTEMS (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.

**ROOF MOUNTED SOLAR PANEL:** The solar array mounted on rooftops with a gap of few inches and parallel to the surface of the roof. The solar array can align or be mounted at an angle from the roof line.

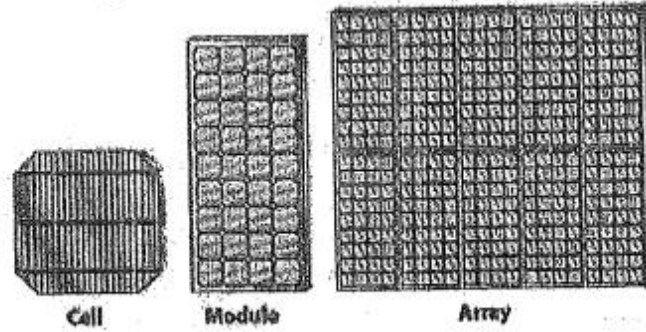
**SALDO:** Township of Washington Ordinance No. 2006-1, as amended by Ordinance No. 2010-2, Subdivision and Land Development Ordinance

**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 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 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.



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

**TOWNSHIP:** The Township of Washington, County of Cambria and State of Pennsylvania.

**Section 1303 Principal Solar Energy Systems**

1. Regulations Applicable to all Principal Solar Energy Systems (PSES):

A. A PSES shall be permitted in the Township provided that a person desiring to construct and use the PSES files an application with the Township and pays a non-refundable Application Fee of \$2,500.00. This Application Fee may be subsequently amended by resolution as determined by the Township Supervisors.

After installation of the PSES, the Owner and/or Operator of the PSES shall pay to the Township an annual Developers Fee of \$50,000.00 per one hundred proposed megawatt (nameplate capacity, in alternating current). The first annual Developers Fee shall be due on or before the 60<sup>th</sup> day following completion of installation and due on that same calendar day each subsequent year, pro-rated for any partial year, until decommissioning of the PSES.

B. Exemptions. Any PSES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Ordinance that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

C. The PSES layout, design and installation 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), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and comply with all other applicable fire and safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

D. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

(1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

(2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

E. The owner of a PSES shall provide the Township with 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 and has approved of such connection.

F. No portion of the PSES shall contain or be used to display commercial advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES.

G. No trees or other landscaping required by the Township may be removed for the installation or operation of a PSES.

H. The PSES Owner and/or Operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the PSES commencing with installation and provide this number and name to the Township. The PSES Owner and/or Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

I. A noise study shall be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 60 dBA as measured at the property line, excluding noise caused or contributed to by natural sources thereof such as wind, rain, hail, flowing water, or otherwise.

J. Solar Easements. The following shall apply to all solar easements:

(1) Solar easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.

(2) Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

- i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

(3) If necessary, a PSES Owner and/or Operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate agreement(s) with adjacent property owner(s).

K. Decommissioning. The following shall apply to decommissioning of a PSES:

(1) Prior to a permit being approved and/or issued to a PSES Owner and/or Operator, the Owner and/or Operator must submit to the Township financial security which shall be deposited with the Township in an amount sufficient to cover the costs of decommissioning all improvements or common amenities including, but not limited to, the solar panels and any base and footing, storm water detention and/or retention basins and other related drainage facilities, and electrical apparatus and cover restoration of the land to its original, pre PSES condition including forestry plantings of the same type and density as the original.

(2) Such financial security for decommissioning a PSES shall be in the form of a bond, acceptable in form to the Township, posted with a bonding company chosen by the party posting the financial security, provided said bonding company is reputable and authorized to conduct business within the Commonwealth. The financial security shall meet the following:

- i. Such bond shall provide for and secure to the public the decommissioning of any improvements.
- ii. The amount of the bond to be posted for the decommissioning of any improvements shall be equal to One Hundred and Ten (110%) Percent of the

estimated cost of decommissioning. The amount of the bond shall be adjusted by Resolution of the Township every three (3) years from the anniversary of the initiation of operation of the PSES. Subsequent to said adjustment, the Township may require the PSES Owner and/or Operator to post additional security in the form of an increased bond in order to assure that the financial security equals said One Hundred Ten (110%) Percent. All security shall be posted by the PSES Owner and/or Operator in accordance with this subsection.

iii. The amount of financial security required shall be based upon an estimate of the cost of decommissioning of any improvements as submitted by the PSES Owner and/or Operator and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the PSES Owner and/or Operator and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed in this Commonwealth and chosen mutually by the Township and the PSES Owner and/or Operator. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the PSES Owner and/or Operator.

(3) As the work of decommissioning of any improvements proceeds, the party posting the bond may request the Township to release, or authorize the release, from time to time, such portions of the bond(s) necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors who may request the Township engineer to certify, in writing, to the Board of Supervisors that such portion of the decommissioning of any improvements has been completed. Upon such certification, the Board of Supervisors shall authorize release by the bonding company of an amount as estimated by the Township engineer fairly representing the value of the decommissioning of any improvements.

(4) The owner of any participating property which is subject to decommissioning shall be given the option to keep the road(s) created on such owner's property by or in connection with construction of any PSES.

(5) Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

(6) The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to remain.

(7) When the PSES Owner and/or Operator has completed the decommissioning of all improvements, such Owner and/or Operator shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid

decommissioning of all improvements and shall send a copy thereof to the Township engineer. The Board of Supervisors may direct and authorize the Township engineer to inspect the site. The Township engineer shall indicate to the Township approval or rejection of said decommissioning of all improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(8) The Board of Supervisors shall notify the PSES Owner and/or Operator as to the Township Engineer's acceptance or rejection of the decommissioning. If the decommissioning is acceptable, the Township shall release the bond. If the decommissioning is not acceptable, the PSES Owner and/or Operator shall, within thirty (30) days of notice by the Township of the deficiencies, correct the same and in the event the said deficiencies are not so corrected within the said time period the Township may utilize the bond to accomplish the same as set forth herein.

(9) In the event that any decommissioning of improvements which are required have not been completed as provided in this ordinance and permit, the Board of Supervisors of the Township is hereby granted the power to enforce the bond in place by appropriate legal and equitable remedies. If proceeds of such bond are insufficient to pay the cost of decommissioning of improvements, the Board of Supervisors of the Township may, at its option, proceed with decommissioning of all improvements and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

(10) The PSES Owner and/or Operator shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of decommissioning of improvements, including review of any plans, documents, or materials by the Township's engineer and/or Solicitor in connection therewith. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township engineer or Solicitor for work performed for similar services performed for the Township.

(11) Where herein reference is made to the Township engineer, said engineer shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.

(12) Each PSES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned, or upon termination of the useful life of same.

(13) The PSES may be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

(14) The PSES owner shall, on an annual basis, provide to the Township information concerning the amount of energy generated by the PSES in the last 12 months.

L. Permit Requirements. The following shall apply to all PSES permits:

(1) PSES Permit applications shall document compliance with this section. Applications filed pursuant to this Ordinance shall comply with the Township SALDO and shall contain the following:

i. A narrative describing the proposed PSES, including an overview of the project, the project location, the approximate generating capacity of the PSES, the approximate number, representative types and height or range of heights of the panels or other PSES equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, a detailed description of the materials contained in the panels, and a description of all ancillary facilities.

ii. An affidavit or similar evidence of agreement between the Landowner of the real property on which the PSES is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the PSES ("Participating Landowner Agreement").

iii. Identification of the properties or portions thereof on which the proposed PSES will be located, and the properties adjacent to where the PSES will be located.

iv. A site plan showing the planned location of the PSES property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the PSES to the substation(s), ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(2) A PSES permit will be issued for 25 years, but shall be revoked if the PSES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSES not to be in conformity with this Ordinance.

(i) If the person desiring to construct an PSES has not significantly commenced such construction within 5 years from the date of issuance of a permit and the permittee wishes to begin construction, the permittee shall be bound by any and all changes in this Ordinance or regulations applicable to the construction of PSES that have been enacted since the time of permit approval.

(3) Prior to the issuing of any building permit for an PSES, the applicant must perform the geochemical testing outlined in Exhibit "A" attached hereto relative to on-site discharges annually and down/up gradient residential and public water supply located within 500 feet of the PSES site. The results of such testing shall be evaluated based on the detection limits contained in the drinking water standards promulgated by U.S. Department of Environmental Protection (EPA). Said testing shall also be performed after construction, and after any major modification to the PSES, at the time of decommissioning, and 1 year after removal of all panels. At all times the results of the testing shall be in compliance with the aforementioned EPA drinking water standards.



If testing reveals that the wells of any surrounding properties have been damaged or contaminated, the PSES Owner and/or Operator shall be responsible for correction of said conditions including, but not limited to, drilling a new well and/or decontamination of the surrounding properties.

(4) The installation of PSES shall be in compliance with all other applicable Federal, State, and local laws, rules, codes, and regulations.

(5) 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. The PSES must also be properly maintained and 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 Township shall give written notice to the PSES Owner and/or Operator specifying the violation to the Owner and/or Operator of the PSES and permitting thirty (30) days for the PSES to be conformed to the law or to remove the PSES.

(6) If at any time new panels are installed that are different in composition from those initially installed as part of the PSES, the Owner and/or Operator shall provide a new detailed description of the materials used in the construction of such panels.

## 2. Ground Mounted Principal Solar Energy Systems:

A. Setbacks. The minimum setbacks from front, side, and rear property lines shall a minimum of one hundred fifty (150) feet from any adjacent property. The minimum setback for any ground mounted PSES from any public highway shall be one hundred (100) feet as measured from the base thereof.

B. Storm Water Management. The following shall apply to all PSES systems:

(1) Regardless of the mounted angle of any solar panels, all ground mounted PSES shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

(2) The applicant shall submit a Stormwater Management Plan that demonstrates compliance by the ground mounted PSES with any applicable Township stormwater management regulations.

C. Screening. Ground mounted PSES shall be screened from any adjacent property that is a residence. The screen shall consist of native plant materials which provide a visual screen. In lieu of this type of screen, a decorative fence may be used subject to approval by the Township.

D. Signage/Security. 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.

E. Ground-mounted 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.

F. Security. The following shall apply to all ground mounted PSES systems:

(1) All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

(2) 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.

G. Access. The following shall apply to all PSES systems:

(1) At a minimum, a 25-foot-wide access road must be provided from a state or Township roadway into the site and a cul de sac built on-site sufficient in size to permit large and emergency vehicles to turn around and exit the same. To the extent that the Township SALDO provides dimensions or size of turning radius for a cul de sac in any land development, such dimensions or size as used therein shall control here.

(2) Access to the PSES shall comply with the municipal access requirements in the Township SALDO.

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

I. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

J. The vertical clearance of the solar "array" shall be 10 feet or less from the surface of the ground and provide stabilized conditions below the "array." Erosion control Best Management Practices shall be provided to minimize the potential for accelerated erosion to occur along the drip line of the solar "array."

K. If the height of the solar panels exceeds 10 feet, additional erosion controls (rip rap or some other type of energy dissipation) will be required to prevent and minimize accelerated erosion and scour along the drip line of the solar panel. In no case shall ground mounted solar panels be greater than 15 feet in height.

L. Solar panels shall be situated on slopes 10% or less. PSES proposed on slopes exceeding 10% shall be subject to the Pennsylvania Best Management Practices Manual and requires additional stormwater Best Management Practices' such as, but not limited to infiltration

trenches, infiltration berms, and retention grading. In no occasion shall ground-mounted solar panels be located on moderately steep slopes as defined by the Township SALDO.

3. Roof and Wall Mounted Principal Solar Energy Systems:

A. 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.

B. Solar panels shall not extend beyond any portion of the roof edge.

C. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that street-facing solar panels will not create a safety hazard to a pedestrian or motorist or due to solar access limitations, no location exists other than the street-facing roof where the solar energy system can perform effectively.

D. 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.

**Section 1304 Accessory Solar Energy Systems**

1. Regulations Applicable to Accessory Solar Energy Systems (ASES):

A. An ASES shall be permitted in the Township provided that a person desiring to construct and use the ASES shall file an application for a permit with the Township and pay a non-refundable Application Fee of \$2,500.00. This Application Fee may be subsequently amended by resolution as determined by the Township Supervisors.

(i) If the person desiring to construct an ASES has not commenced such construction within 5 years from the date of issuance of a permit and the permittee wishes to begin construction, the permittee shall be bound by any and all changes in this Ordinance or regulations applicable to the construction of ASES that have been enacted since the time of permit approval.

B. Exemptions. Any ASES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

C. The ASES layout, design, installation, and ongoing maintenance 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), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar

Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code and its supporting regulations, as amended, and with all other applicable Federal, State, and local laws, rules and regulations. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards established by any applicable Federal, State, or local law, rule, or regulation, as amended. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Township.

D. ASES installers must certify that they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP-approved installer by meeting or exceeding one of the following requirements:

(1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

(2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

(3) For residential applications, a registered home improvement contractor with the Pennsylvania Attorney General's office.

E. All on-site utility, transmission lines, and plumbing associated with any ASES shall be placed underground.

F. The owner of an ASES shall provide the Township with written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

G. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

H. Glare shall be prevented or minimized to the extent possible as follows:

(1) All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(2) 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.

I. A noise study shall be performed and included in the application. The noise study is to be performed by an independent noise study expert and paid for by the applicant. Noise from a ASES shall not exceed 60 dBA as measured at the property line, excluding noise caused or contributed to by natural sources thereof such as wind, rain, hail, flowing water, or otherwise.

J. Solar Easements.

(1) Where an applicable subdivision or land development involves the use of solar energy systems, 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.

(2) Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;

iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;

iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

(3) If required, an ASES 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).

K. Prior to the issuance of a permit by the Township, applicants must acknowledge in writing that the issuing of said permit for a solar energy system 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:

(1) 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

(2) The right to prohibit the development on or growth of any trees or vegetation on such property.

L. Decommissioning. The following shall apply to decommissioning of ASES:

(1) Prior to a permit being approved and/or issued to an ASES Owner and/or Operator, the said Facility Owner and/or Operator must submit to the Township financial security (which shall be in addition to any other financial security required pursuant to any applicable Township SALDO) which shall be deposited with the Township in an amount sufficient to cover the costs of decommissioning all improvements or common amenities including, but not limited to, the solar panels and any base and footing, storm water detention and/or retention basins and other related drainage facilities, and electrical apparatus and restoration of the land to its original condition including forestry plantings of the same type and density as the original.

(2) Such financial security for decommissioning shall be in the form of a bond, satisfactory in form to the Township Solicitor whose review of same shall be reimbursed to the Township by the Facility Owner and/or Operator and posted with a bonding company chosen by the party posting the financial security, provided said bonding company is authorized to conduct such business with the Commonwealth of Pennsylvania. The financial security shall meet the following:

i. Such bond shall provide for and secure to the Township the decommissioning of any improvements.

ii. The amount of the bond to be posted for the decommissioning of any improvements shall be equal to One Hundred and Ten (110%) Percent of the estimated cost thereof. The Township may adjust the required amount of the bond by Resolution every three (3) years. Subsequent to said adjustment, the Township may require the ASES Owner and/or Operator to post additional security in the form of an increased bond in order to assure that the financial security equals said One Hundred Ten (110%) Percent. Any additional security shall be posted by the ASES Owner and/or Operator in accordance with this subsection, and any additional review of any future bond form by the Township's Solicitor shall be reimbursed by the ASES Owner and/or Operator to the Township.

iii. The amount of financial security required shall be based upon an estimate of the cost of decommissioning of any improvements, submitted by the ASES Owner and/or Operator and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the ASES Owner and/or Operator or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the ASES Owner and/or Operator. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the ASES Owner and/or Operator.

(3) As the work of decommissioning of any improvements proceeds, the party posting the bond may request the Township to release, or authorize the release, from time to time, such portions of the bond(s) necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board of Supervisors shall request the Township engineer to certify, in writing, to the Board of Supervisors that such portion of the decommissioning of any improvements has been completed. Upon such certification, the Board of Supervisors shall authorize release by the bonding company of an amount as estimated by the Township engineer fairly representing the value of the decommissioning of any improvements.

(4) The owner of any participating property which is subject to decommissioning shall be given the option to keep the road(s) created on such owner's property by or in connection with construction of any ASES.

(5) When the ASES Owner and/or Operator has completed the decommissioning of all improvements, such Owner and/or Operator shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid decommissioning of all improvements and shall send a copy thereof to the Township engineer. The Board of Supervisors shall direct and authorize the Township engineer to inspect the site. The Township engineer shall indicate to the Township approval or rejection of said decommissioning of all improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(6) The Board of Supervisors shall notify the ASES Owner and/or Operator as to the Township Engineer's acceptance or rejection of the decommissioning. If the decommissioning is acceptable, the Township shall release the bond. If the decommissioning is not acceptable, the ASES Owner and/or Operator shall, within thirty (30) days of notice by the Township of the deficiencies, correct the same and in the event the said deficiencies are not so corrected within the said time period, or in the event the decommissioning is not commenced, the Township may utilize the bond to accomplish the same as set forth herein.

(7) If the components of the Facility being decommissioned are disposed of by the ASES Owner and/or Operator, such disposal shall be in accordance with all applicable Federal, state, and local laws, rules, and regulations, as amended.

(8) In the event that any decommissioning of improvements which are required have not been completed as provided in this ordinance and permit, the Board of Supervisors of the Township is hereby granted the power to enforce any corporate bond by appropriate legal and equitable remedies. If proceeds of such bond are insufficient to pay the cost of decommissioning of improvements covered by said security, the Board of Supervisors of the Township may, at its option, proceed with of decommissioning of all improvements of the Owner and/or Operator and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

(9) The ASES Owner and/or Operator shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of decommissioning of improvements, including review of any plans, documents, or materials by the Township's engineer and/or Solicitor in connection therewith, as well as view of the site, if necessary. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township engineer or consultant for work performed for similar services performed for the Township, as well as any attorney's fees incurred by the Township in connection therewith.

(10) Where herein reference is made to the Township engineer, said engineer shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.

(11) Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system Owner and/or Operator, or upon termination of the useful life of same.

(12) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

(13) The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

M. Permit Requirements. The following shall apply to all ASES permits:

(10) ASES permit applications shall document compliance with this Section and all other Township requirements 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.

(11) The ASES 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.

(12) ASES shall comply with the Township's SALDO. The installation of ASES shall also be in compliance with all other applicable Federal, State, and local laws, rules, codes, and regulations, as amended.

(13) The ASES Owner and/or Operator shall repair, maintain and replace the ASES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the ASES in good repair and operating condition. The ASES must also be properly maintained and 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 Township shall give written notice to the ASES Owner and/or Operator specifying the violation to the Owner and/or Operator of the ASES and permitting thirty (30) days for the ASES to conform to the law or to remove the ASES.



## 2. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- A. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- B. ASES mounted on roofs or walls of any building shall be subject to any applicable Airport Hazard Zoning Ordinance or similar Ordinance so as not to provide any obstruction to any flight into or out of any airport within a 10-mile radius of the ASES.
- C. Solar panels shall not extend beyond any portion of the roof edge.
- D. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that street-facing solar panels will not create a safety hazard to a pedestrian or motorist, or due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
- E. 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.
- F. The vertical clearance of the solar array shall be 10 feet or less from the surface of the ground and provide a stabilized condition below the array.
- G. Erosion control Best Management Practices shall be provided to minimize the potential for accelerated erosion to occur along the drip line of the solar array.
- H. If the height of the solar panels exceeds 10 feet, additional erosion controls (rip rap or some other type of energy dissipation) will be required to prevent and minimize accelerated erosion and scour along the dripline of the solar panel.

## 3. Ground Mounted Accessory Solar Energy Systems:

- A. Setbacks. The minimum setbacks from front, side, and rear property lines shall be those which comply with the Township SALDO. The minimum setback for any ground mounted ASES from any public highway shall be fifty (50) feet as measured from the base thereof.
- B. Storm Water Management. The following shall apply to all ASES systems:
  - (1) Regardless of the mounted angle of any solar panels, all ground mounted ASES shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
  - (2) The applicant shall submit a Stormwater Management Plan that demonstrates compliance by the ground mounted ASES with any applicable municipal stormwater management regulations.

C. Screening. Ground mounted ASES shall be screened from any adjacent property that is a residence. The screen shall consist of plant materials which provide a visual screen in compliance with the Township SALDO. In lieu of planting landscape screening, a decorative fence may be used that meets the approval of the Township of Washington.

D. Signage/Security. 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.

E. 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.

F. Ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the system.

G. The vertical clearance of the solar array shall be 10 feet or less from the surface of the ground and provide a stabilized condition below the array.

H. Erosion control Best Management Practices shall be provided to minimize the potential for accelerated erosion to occur along the drip line of the solar array.

I. If the height of the solar panels exceeds 10 feet, additional erosion controls (rip rap or some other type of energy dissipation) will be required to prevent and minimize accelerated erosion and scour along the drip line of the solar panel. In no case shall ground-mounted solar panels be greater than 15 feet in height.

J. Solar panels shall be situated on slopes 10% or less. ASES and Principal Solar Energy Systems proposed on slopes exceeding 10% shall be subject to the Pennsylvania Best Management Practices Manual and requires additional stormwater Best Management Practices' such as, but not limited to infiltration trenches, infiltration berms, and retention grading. In no occasion shall ground-mounted solar panels be located on moderately steep slopes as defined by the Township SALDO.

### **Section 1305 Remedies**

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.

2. If the Township determines that a violation of the Ordinance or the permit has occurred, the Township shall provide written notice to any person or other legal entity alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat

to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiation shall be conducted within thirty (30) days of the notice of violation.

3. If after thirty (30) days from the date of the notice of violation the Township determines, in its sole and exclusive discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law or in equity, including but not limited to injunctive relief, to ensure compliance with the Ordinance or permit. In the event that civil enforcement proceedings are required to be instituted by the Township, any party determined to be in violation of this Ordinance and enjoined or required by Court Order to comply therewith shall reimburse the Township for all attorney's fees, costs, and expenses incurred in such litigation.

### **Section 1306 Enforcement and Penalties**

Violations of this Part shall be subject to enforcement in accordance with the criminal penalties more fully detailed in Section 1205 of the Township SALDO.

### **Section 1307 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 Washington that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

### **Section 1308 Reaffirmation of Township SALDO**

Township SALDO, except as amended hereby, remains in full force and effect and is hereby reaffirmed.

### **Section 1309 Effective Date**

This Ordinance shall become effective five days after adoption.

**ADOPTED, ORDAINED AND ENACTED** By the Board of Supervisors of the Township of Washington this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

TOWNSHIP OF WASHINGTON:

By: \_\_\_\_\_  
Raymond Guzic, Chairman of Supervisors

\_\_\_\_\_  
Scott Guzic, Supervisor

\_\_\_\_\_  
Martin Craine, Supervisor

ATTEST:

\_\_\_\_\_  
Pamela Flis. Secretary

EXHIBIT A - ANY OTHER SUBSTANCES THAT WE HAVEN'T THOUGHT OF AT END OF SPREADSHEET – P 15 L(i)

Exhibit A - Required Geochemical Testing Pursuant to §22-803L(3)

**Testing to be performed on site discharges, residential supplies and public water wells or intakes:**

<b>Method</b>	<b>Description</b>
EPA 1631E	Mercury, Dissolved
EPA 200.8	Metals, Dissolved
<b>Method</b>	<b>Description</b>
Various	WD Analysis Suite
ASTM D1067-06	Alkalinity, total
EPA 120.1	Cunductance, Specific
EPA 200.2	Acid Digestion/Metals Preparation – Total Metals
EPA 200.7	Metals, Total (3) – Al, Fe, Mn
EPA 300.0	Sulfate
SM 2310 B(4a)	Acidity, Total
SM 2450 D	Solids, Total Suspended
SM 4500-H+ B	pH, Laboratory
ASTM D7511-12	Cyanide, Total
EPA 1631E	Mercury, Total
EPA 1631E	Mercury, Total – Field Bank
EPA 200.8	Metals, Total (12)
EPA 420.1	Phenolics, Total
SM 2540 C	Solids, Total Dissolved
SM 5210 B	Demand, Biochemical Oxygen, 5-day
EPA 300.0	Chloride

SM 2540 F	Solids, Settleable
EPA 1664B	Oil & Grease
HACH 8000	Demand, Chemical Oxygen
EPA 351.2	Nitrogen, Total Kjeldahl
EPA 353.2	Nitrogen, Nitrate + Nitrite

**Applicant shall also test for any other substances not included on this list that are found in the solar panels themselves.**