

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF WALKER, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE WALKER TOWNSHIP ZONING ORDINANCE BY ADDING SECTION 430 (SOLAR ENERGY SYSTEMS) TO ARTICLE 4, SUPPLEMENTARY USE REGULATIONS, REGULATING SOLAR ENERGY SYSTEMS IN THE TOWNSHIP OF WALKER AND MAKING MINOR CHANGES TO OTHER SECTIONS OF THE ZONING ORDINANCE.

BE IT ENACTED and ORDAINED by the Board of Supervisors of Walker Township, Centre County, PA, and it is hereby enacted and ordained by the authority of the same as follows:

**Section 430. Supplemental Regulations Solar Energy Systems**

1. It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a principal use herein and subject to criteria overlap, the specific criteria shall supersede the general standards.

It is the intent of this Section to provide conditions for the siting and operation of Accessory Solar Energy Systems (hereafter denoted as ASES) and Principal Solar Energy Systems (hereafter denoted as PSES) which will ensure the safety and security of the facilities, municipality and surrounding neighborhoods in which the facility will be located against possible detrimental effects.

2. General Requirements.
  - A. Local and State Laws. All ASES and PSES systems shall comply with all applicable local and State laws and regulations and industry standards regarding the location and operation of said facilities including but not limited to those of the American National Standards Institute (ANSI), Underwriters' Laboratories (UL), the American Society for Testing and Materials (ASTM), and other similar certifying organizations, and shall comply with applicable construction and building codes as enforced by Walker Township, Centre County, fire and life safety requirements, floodplain management and stormwater management.
  - B. All on-site utility transmission lines, plumbing and all wiring and cabling shall be placed underground to the greatest extent feasible.

C. Permit Required

- i. Zoning/Building permit applications shall be required and shall document compliance with this Section and shall be accompanied by drawings showing the location and configuration of the system on the building or property, including property lines.
  - ii. The zoning/building permit shall be revoked if the ASES or PSES, whether new or pre-existing, is moved or otherwise altered in a manner which causes the ASES or PSES to not be in conformity with this ordinance.
  - iii. The ASES or PSES 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 the 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 or PSES to conform or to remove the ASES or PSES.
3. Accessory Solar Energy Systems (ASES): ASES shall be permitted as an accessory use/structure in connection with any primary residential, agricultural, recreational, commercial or industrial use when they meet the following standards:
- A. Accessory Solar Energy Systems shall be permitted as a rooftop installation subject to the following:
    - i. The ASES shall not exceed a height of eight (8) inches above the roof when attached to a residential dwelling structure.
    - ii. ASES used in conjunction with a commercial or industrial use shall be screened from the view of persons at ground level by a parapet or similar visual obstruction.
    - iii. In no event shall the placement of an ASES result in a total height, including the building and panels, greater than one foot greater than the maximum building height permitted in the subject zoning district for the principal structure.
  - B. Accessory Solar Energy Systems shall be permitted as ground arrays in accordance with the following standards:
    - i. All ground arrays shall be set back from all property lines a distance equal to or greater than the required setback for an accessory structure of the same square footage within the subject zoning district.
    - ii. Ground mounted ASES are prohibited in front yards, between the principal building and public street.

- iii. Ground mounted arrays shall not exceed a height of fifteen (15) feet.
- iv. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and shall be calculated as a percentage of the lot coverage.

### 3. Other Requirements

- i. For non-residential properties, a site plan detailing location, square footages of ASES array, setback requirements, stormwater provisions and other items as required shall be submitted for review and approval.
- ii. Upon completion, the ASES shall be maintained in good working order in accordance with all applicable building construction codes. Failure of the property owner to maintain the ASES in good working order shall be grounds for appropriate enforcement actions by Walker Township.
- iii. Where the owner/applicant seeks to install an ASES in connection with new construction or renovation of structure(s) constituting the principal use, the owner/applicant shall have the burden to show that the intended ASES is appropriately sized, consistent with the definition of an Accessory Solar Energy System.
- iv. The display of advertising is prohibited.
- v. Glare: All ASES shall be placed in such a manner that concentrated solar radiation or glare does not project onto adjoining properties or nearby roadways. The owner/applicant has the burden of proving that any glare will not have significant adverse impact either through siting or mitigation.
- vi. 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.
- vii. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, nor be placed within any floodplain, stormwater conveyance system or in any manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- viii. Decommissioning: Each ASES and all solar related equipment shall be removed within six (6) months of the date when the use has been discontinued or abandoned by the system owner and/or operator or upon termination of the useful life of same. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of six (6) continuous months.

4. Principal Solar Energy Systems (PSES):

- a. A PSES shall be deemed to be a permitted use in The General Commercial, Light Industrial and Mineral Extraction zoning districts. A decommissioning bond for the life of the solar system (renewable every (3) three years to coincide with a decommissioning estimate) shall be valued at 110% of the estimated cost of removal or all equipment and restoration of the land to its previous condition prior to having the solar installed. The cost estimate shall be adjusted every (3) three years and approved by the Township Engineer or other Township Representative. The cost of the Engineering and other related fees shall be reimbursed to the Township by the owner.
- b. Maintenance and Construction:
  - (i). Maintenance and construction shall only occur Monday through Friday between 8 am and 5 pm and Saturday from 9 am until 5 pm. Any dust will be controlled up to and including the use of a water truck.
  - (ii). No structure, storage of materials, or off-street parking and/ or loading areas shall be permitted in a required buffer yard.
  - (iii). The use of explosives or blasting during the installation, maintenance and/ or repair shall not be permitted.
  - (iv). No construction or equipment storage is permitted in the floodplain or within 50' from the bank of any creek or tributary. Any encroachment permit requirement by the Commonwealth will need to be obtained prior to any construction, excavation or site work.
- c. Training: The Owner shall provide biennial (every 2 years) training to the Fire Department free of charge.
- d. If ownership of the property or the solar facility changes, proof shall be provided to the Township that the new owner has been provided the conditions and that they are required to follow the conditions set forth.
- e. 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) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Walker Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

- f. All on-site transmission, plumbing lines and all wiring and cabling shall be placed underground to the extent feasible.
- g. No portion of the PSES 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 PSES provided they comply with the prevailing sign regulations.
- h. Glare:
  - i. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. A Glint and Glare study will be required to identify potential adverse impacts on neighboring properties.
  - ii. The applicant shall have 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. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- j. The PSES owner and/or operator shall maintain contact information and identify person(s) responsible for the public to contact with inquiries and complaints. throughout the life of the project and provide this information to Walker Township and all emergency service providers. This information shall be posted on the site clearly in a noticeable location. The PSES owner and/or operator shall make all reasonable efforts to respond to inquiries and complaints.
- k. Decommissioning:
  - i. The PSES owner is required to notify Walker Township immediately upon cessation or abandonment of the operation. The PSES shall be considered to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) consecutive months. The owner of the PSES will supply the Township with monthly reports of the production of energy from the PSES.
  - ii. If deemed discontinued or abandoned, the PSES owner shall obtain permits for the demolition of the operation. The PSES owner shall have six (6) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances, including but not limited to buildings, cabling, electrical components, roads, foundations or other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete

the decommissioning at the owner's expense. A Zoning permit will be required for demolition and requirements in Section 1202 will be applicable.

- iii. Removal: if a ground mounted PSES is removed all equipment and accessories shall be removed and the ground shall be restored to the condition it was prior to installation.
- l. Prior to the issuance of building and zoning permits, PSES applicants shall acknowledge in writing that the issuance of said permits shall not and do not create in the property owner, 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; and
  - (2) the right to prohibit the development on or growth of any trees or vegetation on such property.

m. Permits Required

- i. All PSES shall comply with Centre County subdivision and land development requirements.
- ii. Except as otherwise provided in this Ordinance installation of PSES shall be in compliance with all applicable zoning and building permit requirements, codes and regulations.
- iii. The PSES owner and/or operator shall repair, maintain and replace the PSES 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 and shall secure all necessary permits for repair and/or replacement of such systems.

5. Ground Mounted Principal Solar Energy Systems (PSES)

- a. Minimum Lot Size: The minimum lot size for PSES shall be in accordance with the standards of the underlying zoning district.
- b. Setbacks: All PSES uses and structures shall comply with the setback requirements of the underlying zoning district for principal structures, but under no circumstances shall any facilities have less than a (300) three hundred foot setback from any property line, and not less than a (200) two hundred foot setback from the right of way from any municipal road. The exterior fence shall be treated as the primary structure for setback purposes.
- c. Height: Ground mounted PSES shall not exceed a maximum height of (20) twenty feet for all components of the PSES. Systems installed a on flat roof shall be

installed so that the highest point is no greater than (6) six feet above the height of the rooftop which it is attached.

- d. Impervious Coverage: The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the PSES is located.
- e. Screening: All ground mounted PSES shall be screened from adjoining uses in accordance with Section 506 (Screening) of the Walker Township Zoning Ordinance.
  - i. Screening shall be provided to block visibility and glare from beyond all property lines. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, within two (2) years, a complete visual screen six (6) feet in height, and be of such density as is necessary to achieve the intended purpose. Screen planting shall be maintained permanently by the facility operator, and any plant material which does not live shall be replaced within one (1) year. Screen planting shall be placed so that, at maturity, it will be no closer than five (5) feet to any street or property line. If existing screening is utilized, and the screening dies or fails to achieve its intended purpose, the screening shall be replaced within 1 year.
  - ii. Landscape and lawn maintenance shall be completed on a repeating cycle with fines if not completed as scheduled. Maximum height of non-screening vegetation 12".
- f. Security:
  - (1). All ground mounted PSES shall be completely enclosed by a fence that is at a minimum (8) eight feet tall with a self-locking gate.
    - (a). A yearly inspection of the fencing will be done by the township, and the owner will be required to pay the inspection fee.
  - (2). Clearly visible warning signs shall be placed at the base of all pad mounted transformers and substations. Clearly visible warning signs will be located on all sides of the perimeter fence.
  - (3). Signs will be located at each gate entrance listing emergency contact information. The emergency contact must be available 24/7.
- g. Lighting:
  - (1). The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable Federal, State or Local Authority.
  - (2). All lighting must be shielded as to not allow light pollution to extend beyond the property lines.

- h. No radio, electrical, magnetic or other interference to cell phones or televisions signals is permitted.
6. Violations: If the Township determines that a violation exists, it shall be enforceable pursuant to Section 1204 (Violations and Enforcement) of the Walker Township Zoning Ordinance.
7. Section 1301 (Definitions): The following definitions are hereby added to Article 13, Section 1301.

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

Solar Array: A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Energy Radiant: energy (direct, diffuse, and/or reflective) received from the sun.

Solar Energy System, Accessory: 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. 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 and sized to primarily reduce on-site consumption of utility power or fuels generating no more than 120% of the typical electrical energy needs of the property.

Solar Energy System, Principal: An area of land or other area used for a solar collection system primarily used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar 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 foundations or other structures used for or intended to be used for collection of solar energy.

8. 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 Walker Township Supervisors that this Ordinance would have been adopted had



such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

9. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
10. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED as an Ordinance of the Township of Walker, this  
\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

TOWNSHIP OF WALKER

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