

ORDINANCE NO. 2024-3

AN ORDINANCE OF THE TOWNSHIP OF WAYNE,
MIFFLIN COUNTY, PENNSYLVANIA, ENACTING
SOLAR REGULATIONS FOR THE TOWNSHIP.

WHEREAS, section 1506 of the Pennsylvania Second Class Township Code, as amended, (53 P.S. 66506) provides the Wayne Township Supervisors with the right to make and adopt any Ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce, and manufacturers; and

WHEREAS, the Wayne Township Board of Supervisors deem it to be in the best interests of the public health and welfare of its citizens that the following solar regulations be enacted.

NOW THEREFORE, by the authority of and pursuant to the provisions of the “Pennsylvania Second Class Township Code,” Act of May 1, 1993 (P.L. 103, No. 69) as amended, be it enacted and ordained by the Wayne Township Board of Supervisors of Mifflin County, Pennsylvania, as follows:

This Ordinance shall be known as the
SOLAR ENERGY SYSTEM REGULATIONS ORDINANCE

ARTICLE I
Definitions

The following definitions shall apply to this Ordinance.

Accessory Solar Energy System (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 system consists of one (1) or more free-standing ground, roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Cartway – The area of a road or other street, within which vehicles are permitted, including travel lanes but not including shoulders, curbs, gutters, sidewalks, or drainage swales.

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

DEP – The Pennsylvania Department of Environmental Protection.

Principal Solar Energy System (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.

Principal Use – The main or primary use of land or structures.

Solar Energy System – A device or design feature or features, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water cooling.

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 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.

1. Solar Array: A grouping of multiple solar modules with the purpose of harvesting solar energy.
2. Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.
3. Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.

Structure – The principal or main dwelling on a lot, parcel, or tract of land used for human habitation.

ARTICLE II
Accessory Solar Energy Systems (ASES)

1. Regulations Applicable to all ASES:

- a. ASES that have a maximum power rating of not greater than 15kW shall be permitted. ASES that have a power rating greater than 15kW shall comply with the requirements of Article III Principal Solar Energy Systems.

- b. Exemptions
 - i. ASES with an aggregate collection and/or focusing that are of 900 square feet or less are exempt from this Ordinance.
 - ii. ASES construction 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 Ordinance, that materially alters the ASES, shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

- c. Permit Requirements
 - i. Land Use Permit applications shall document compliance with this Ordinance 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.
 - ii. The Land Use 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.
 - iii. 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.
 - iv. All engineering and permitting costs are the sole responsibility of the PSES owner/operator.
 - v. Permit fees will be established and issued by Wayne Township and may be reviewed at the January Reorganizational Meeting for the upcoming year or at such other times as the Supervisors deem appropriate. All permits will be reviewed annually.
 - vi. Decommissioning Bonding – The PSES owner/operator is required to secure a bond in the amount determined by the township engineer for the decommissioning of the facility in the case the PSES owner/operator is unable to complete the cleanup. This bond is required to be paid in full prior to the beginning of construction.

- d. Decommissioning
 - i. 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.
 - ii. 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. If the Township has cause to believe the ASES has been discontinued or abandoned, the Township shall provide notice to the owner. The owner shall have thirty (30) days to respond and demonstrate that the system is operational or provide reasonable cause for discontinued operations and the proposed remedy for returning the system to operation.
 - iii. The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.
- e. The 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 as enforced by Wayne 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. Upon completion of installation, the Accessory Solar Energy System shall be maintained in good working order in accordance with standards of the Wayne Township codes under which the Accessory Solar Energy System was constructed.
- g. Accessory Solar Energy Systems must be installed by a company that is listed as a certified installer on the DEP's approved solar installer list, or by a company that employs or contracts with personnel whose qualifications meet one of the following requirements:
 - i. Certification by the North American Board of Certified Energy Practitioners (NABCEP).
 - ii. Completion of the Interstate Renewable Energy Council (IREC), Institute for Sustainable Power Quality (ISPQ) accredited Photovoltaic (PV) training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
 - iii. A registered home improvement contractor with the PA Attorney General's Office.
- h. All on-site utilities, transmission lines, and plumbing shall be place underground.

- i. The owner of a grid-connected ASES shall provide Wayne Township written confirmations that the public utility company to which the Accessory Solar Energy System will be connected has been informed of the owner's intent to install a grid-connected system, and that the public utility company has approved of such connection. Off-grid systems shall be exempt from this requirement. This section shall be considered satisfied by the owner providing copies of interconnection studies from the electric utility or grid operator.
- j. No portion of the Accessory 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 Accessory Solar Energy System provided they comply with the prevailing sign regulations.
- k. Glare
 - i. All Accessory Solar Energy Systems shall be placed such that concentrated solar radiation or glare does not project onto structures or roadways.
 - ii. The applicant has the burden of proving that any glare produced does not have significant adverse impact on structures or roadways either through siting or mitigation.

2. Roof Mounted and Well Mounted ASES

- 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 the maximum height regulations specified for principal and accessory buildings.
- c. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying districts.
- d. Solar panels shall not extend beyond any portion of the roof edge.
- e. 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, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

3. Ground Mounted ASES

- a. Yard Setbacks
 - i. The setbacks shall be fifty (50') feet for rear and side setbacks.
- b. Height: Freestanding grounds mounted ASES shall not exceed the specified maximum accessory structure height, if any.
- c. Impervious Coverage
 - ii. The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to impervious surfaces limitations.
 - iii. The applicant shall submit a NPDES permit that demonstrates compliance with Wayne Township.
- d. Screening: Ground Mounted ASES shall be screened from structures. (Please note that for the purposes of this Ordinance structure is defined as follows: "The principal or main dwelling on a lot, parcel, or tract of land used for human habitation."). The screening shall consist of coniferous and deciduous trees and shall be planted in such a manner that they will screen the ASES from the view of structures. Said trees shall be a minimum of six (6) feet tall at planting and shall be replaced within six (6) months of death. The landowner/operator shall maintain the vegetation in good condition. The Township Supervisors shall determine whether the vegetation is being maintained in good condition. However, if an adjoining property I used as a PSES or has ground mounted ASES then the screening requirement shall not apply to said adjoining property.
- e. 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.
- f. Ground mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impeded stormwater runoff from collecting in a constructed stormwater conveyance system.
- g. Noise levels shall not exceed fifty (50) decibels as measured from the property line.

ARTICLE III
Principal Solar Energy Systems (PSES)

1. Regulations Applicable to all PSES

- a. Exceptions: 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 modifications 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.
- b. Permit Requirements
 - i. PSES permit shall comply with the Wayne Township driveway access Ordinance, including the submission and approval of a Land Development Plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
 - ii. Land Use Permit applications shall document compliance with this Ordinance 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 PSES is constructed.
 - iii. 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.
- c. No trees or other landscaping otherwise required by Township 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.
- d. The PSES owner and/or operator shall maintain a phone number and identity of the person responsible for the public to contact with inquiries and complaints.
- e. Decommissioning
 - i. The PSES owner and/or operator is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months. If the Township has cause to believe the PSES has been discontinued or abandoned, the Township shall provide notice to the owner and /or operator. the owner and /or operator shall have thirty (30) days to respond and demonstrate that the system is operational or proved reasonable cause for discontinued operations and the proposed remedy for returning the system to operation.

- ii. The PSES owner shall then have six (6) months in which to dismantle and remove the PSES 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 PSES within the established time frames, including time frames for notice and response in subsection (i) above, the Township may complete the decommissioning by drawing on the financial security described in subsection (iii) below. Access roads and landscaping may remain in place if so desired by the property owner and such desire is expressed in writing to the Township.
- iii. At the time of issuance of the Land Use Permit for the construction of the PSES, the owner shall provide financial security in a form and amount acceptable to the Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original. The amount of said financial security shall be initially determined by the owner providing a cost estimate from a third party engineer licensed in the Commonwealth of Pennsylvania. The Township Engineer shall then review said estimate and determine the final amount of financial security taking into account said estimate and other factors. In addition, five (5) years after the date of the initial deposit of said financial security, and every five (5) years thereafter, the Township Engineer shall review the financial security to determine if said security needs to be increased or decreased. If a change in the amount of the financial security needs to be made, the owner/operator shall provide financial security in the amount required within thirty (30) days after being notified by Township.
- f. The 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 organization, and shall comply with the PA Uniform Construction Code as enforced by Wayne Township, and with all other applicable fire and life safety requirements. The manufacturer specification for the key components of the system shall be submitted as part of the application.

- g. During construction of the solar field, noise levels shall be limited to no more than fifty (50) decibels except for periods not exceeding ten minutes in an hour. If the noise level exceeds fifty (50) decibels, the contractor shall make all reasonable provisions to shield the sound from any residences located within eight hundred (800) feet of the location where the noise is being produced.
 - i. On Saturday's and Sunday's, construction shall not start before 8:00 a.m. on Saturday's and 9:00 a.m. on Sunday's and shall cease at 5:00 p.m. on both days if there are any residences located within eight hundred (800) feet of the location where construction is taking place.
 - ii. Upon completion of installation, the Principal Solar Energy System shall be maintained in good working order in accordance with standards of the Wayne Township codes under which the Principal Solar Energy System was constructed.
- h. Principal Solar Energy Systems must be installed by a company that is listed as a certified installer on the DEP's approved solar installer list, or by a company that employs or contracts with personnel whose qualifications meet one of the following requirements:
 - i. Certification by the North American Board of Certified Energy Practitioners (NABCEP).
 - ii. Completion of an Interstate Renewable Energy Council (IREC), Institute for Sustainable Power Quality (ISPQ), accredited Photovoltaic (PV) training program, or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- i. All on-site utilities, transmission lines, and plumbing shall be placed underground.
- j. The owner of the PSES shall provide Wayne Township written confirmation that the public utility company to which the Principal Solar Energy System will be connected has been informed of the owner's intent to install a grid-connected system and approved of such connection. Off-grid systems shall be exempt from this requirement. This section shall be considered satisfied by the owner providing copies of the interconnection studies from the electric utility or grid operator.
- k. No portion of the Principal 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 Principal Solar Energy System provided they comply with the prevailing sign regulations.

1. Glare
 - i. All Principal Solar Energy Systems shall be placed such that concentrated solar radiation or glare does not project onto structures or roadways.
 - ii. The applicant has the burden of proving that any glare produced does not have significant adverse impact on structures or roadways either through siting or mitigation.

 - m. Prior to the issuance of a land use permit, applicants must acknowledge in writing that the issuance of said permit for a Principal Solar Energy System, except as agreed to in writing by the applicable parties, 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, the following:
 - i. The right to remain free of shadows and/or obstructions to solar energy caused by the development of adjoining or other property or the growth of any trees or vegetation on such property.
 - ii. The right to prohibit the development on or growth of any trees or vegetation on such property.
2. Ground Mounted PSES
 - a. Minimum lot size: The PSES shall meet the specified lot size requirements, if any.
 - b. The yard setbacks shall be two hundred (200') feet from the property line (front, rear, and side yards), and two hundred (200') feet from any existing structure. (Please note that for the purposes of this Ordinance, structure is defined as follows: "The principal or main dwelling on a lot, parcel, or tract of land used for human habitation.")
 - c. Height: No part of the ground mounted PSES shall exceed fifteen (15') in height.
 - d. Impervious Coverage
 - i. The area beneath the ground mounted PSES is considered pervious coverage. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations.
 - ii. The applicant shall submit a NPDES Permit that demonstrates compliance with Shirley Township.
 - e. Ground mounted PSES and buildings located on PSES property shall be screened from view in the following manner.

A continuous (with the exception of gates at road frontage) thirty (30') feet wide (minimum) vegetation buffer shall be installed between the property line and the perimeter fence. The screening shall consist of coniferous/evergreen trees of mixed varieties. Deciduous trees may be added in addition to conifers after shielding requirement

is met. Conifers shall be a six (‘) feet minimum height at planting, consisting of species capable of growing to exceed height of panel installations. A landscape plan shall be submitted with spacing between plants to be such that evergreens will shield the PSES from view year-round. The vegetation shall be maintained in good condition by the owner/operator. The Township Supervisors shall determine whether the vegetation is being maintained in good condition. Dead plants and trees must be removed and replaced within six (6) months of being notified by the Township of Wayne.

- f. Ground mounted PSES shall not be placed within any legal easement or right-of-way location unless encroachment is allowed in writing by the easement holder or be placed within any storm water conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- g. Security
 - i. All ground mounted PSES shall be completely enclosed by a minimum eight (8’) foot high fence with a locking gate. The fence shall be of chain link material. If the site is bordered by residential or commercial uses, a material shall be installed covering the full height of the eight (8’) foot fence to block the view of the solar array using material that will not tear or deteriorate in the weather and cannot be seen through. If the material fails because of the weather or other causes, it must be repaired or replaced within sixty (60) days. If the perimeter fence borders a public roadway, it shall be located no less than two hundred (200’) feet from the edge of the right-of-way of the public road.
 - ii. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the access gate to the fence surrounding the PSES informing individuals of potential voltage hazards.
 - iii. Sign to include 24-hour telephone contact to responsible party to report and react in a timely fashion to issues and/or emergencies shall be included. Provide instructions to local fire and emergency personnel on how to safely enter and deactivate systems in daylight and night. Applicant will provide a means of immediate, 24-hour access to the site for fire and emergency personnel. (Knox boxes or equivalent).
- h. Access
 - i. At a minimum, a twenty (20’) foot wide access road must be provided from a state or township roadway into the site in accordance with all applicable state and township requirements.
 - ii. At a minimum, a fourteen (14’) foot wide cartway shall be provided between the solar arrays to allow access for maintenance and emergency vehicles, including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

- iii. Solar panels shall not extend into the cartway.
- iv. Access to the PSES shall comply with the access requirements in the Shirley Township Subdivision and Land Development Ordinance.
- i. No dusk to dawn automatic or artificial lighting of any type allowed. Any lighting required for maintenance, safety, or emergency must be switched, and only activated when qualified personnel are present. All lighting shall be shielded and downcast such that light does not spill onto the adjacent parcel.
- j. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- k. Noise levels shall not exceed fifty (50) decibels as measured from the property line.
- l. Weed and grass control. Applicant must present an acceptable weed control plan for the property inside and outside fenced area for entire site. The Operating Company must maintain the fence and adhere to the weed/grass control plan.
- m. Outdoor storage. No storage of materials or equipment shall be allowed outside on site after the initial construction period.

3. Roof and Wall Mounted PSES

- a. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and all building codes adopted by the Township, and that the roof or wall is capable of holding the load imposed on the structure.
- b. PSES mounted on the roof or wall of any building shall be subject to the specified maximum height regulations, if any.
- c. Wall mounted PSES shall comply with the specified setbacks for principal structures, if any.
- d. Solar panels shall not extend beyond any portion of the roof edge.

4. Liability Insurance for PSES

Any owner/operator of a PSES shall submit to Township proof that it has public liability insurance (including personal injury liability) for at least one million (\$1,000,000.00) per individual and at least two million (\$2,000,000.00) per occurrence to cover any loss that may be incurred or on account of any matter, cause, or thing arising out of the PSES. Proof of insurance shall be Certificate of Insurance and shall be provided to the Township at the time of commencement or construction and every year thereafter.

ARTICLE IV Penalties and Enforcement

1. This ordinance shall be enforced as summary criminal offenses in accordance with Section 1601 of the Second-Class Township Code, as amended, regarding regulations for health, public safety, building, property maintenance, housing, or fire. The penalty to be imposed shall be a maximum fine of one thousand dollars (\$1,000.00) or imprisonment for a maximum period of ninety (90) days or both. Each day that a violation exists and continues shall constitute a separate offense.
2. The Township may also enforce this Ordinance through an action in equity brought in the Mifflin County Court of Common Pleas. The Township shall be entitled to recover from any owner or operator all costs or fees (the “costs”) arising out of or related to the civil enforcement of this Ordinance. Such costs may also include those to remedy violations of this Ordinance and abate nuisances. The costs shall include, but not be limited to, engineer fees, attorney fees and staff/employee time. The costs may be collected as a Municipal Claim under applicable law against the property.

ARTICLE V Waivers and Repealer

1. Waivers
 - a. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in a hardship, the Board of Supervisors may make such reasonable waivers thereto which are in accordance with modern and evolving principles, and which are not contrary to the public interest and so that the spirit of the Ordinance shall be observed, and substantial justice done.
 - b. Application letter, along with all supporting data, for any waiver shall be submitted to the Township in writing by the applicant. The application letter shall state fully the grounds

and all the relevant facts regarding the situation. The Supervisors may require additional details as part of their review.

- c. The Board of Supervisors shall make their decision, specify grounds for granting or denying the waiver, and record the action in its minutes.

2. Repealer

- a. All provisions of other Wayne Township Ordinances are hereby revised and amended, as necessary and appropriate, in order to insure and confirm consistency thereof with the provisions of the present Ordinance. Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

3. Severability

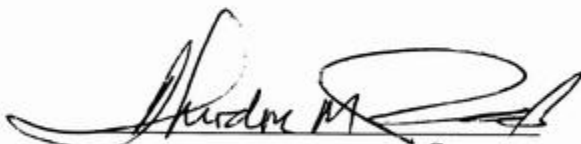
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the present Ordinance.

The Ordinance shall be effective on and as of the 4th day of September 2024.

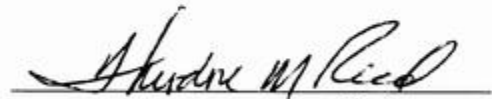
ENACTED AND ORDAINED into an Ordinance this 3rd day of September 2024.

(SEAL)

WAYNE TOWNSHIP BOARD OF SUPERVISORS



, Secretary



, Chairman

