

**WILLIAMS TOWNSHIP
NORTHAMPTON COUNTY**

ORDINANCE NO. 2024-01

AN ORDINANCE OF WILLIAMS TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING CHAPTER 27, PART 14, §27-1403.E(24), OF THE WILLIAMS TOWNSHIP ZONING ORDINANCE BY PROVIDING FOR ADDITIONAL REGULATIONS FOR “SOLAR ENERGY, ON-SITE USAGE”; AMENDING CHAPTER 27, PART 14, §27-1403.E(58.1), BY PROVIDING FOR ADDITIONAL REGULATIONS FOR A “SOLAR ENERGY, OFF-SITE USAGE”; AMENDING CHAPTER 27, PART 2, §27-201.B BY ADDING A DEFINITION FOR A “TEMPORARY OCCUPANCY PERMIT”; AND FURTHER AMENDING CHAPTER 27, PART 1, SECTION 27-109.B BY ESTABLISHING GUIDELINES FOR A “TEMPORARY OCCUPANCY PERMIT”.

The Board of Supervisors of Williams Township, hereby enacts and ordains the following Ordinance:

ARTICLE I. SUPPLEMENTARY REGULATIONS

1. Chapter 27, Part 14, Section 27-1403.E(24), relating to Additional Requirements for Accessory Uses, is hereby amended to read as follows:

(24) Solar Energy, on-site usage:

- (a) Solar energy system is permitted by right in all zoning districts as an accessory to a principal use.
- (b) Solar energy system may be roof mounted or ground mounted.
- (c) A solar energy system shall primarily provide power for the principal use and/or accessory uses of the property on which the solar energy system is located and shall not be primarily used for the generation of power for the sale of energy to others, although this provision shall not prohibit the sale of excess power generated from time to time to the local utility company. The designer of the system or the local utility provider shall provide certification to the Township that the design of the system is not an annual production of more than 200% of the amount of power than is needed based on the historical annual electrical usage of the property owner.

- (d) Such accessory uses shall not interfere with the reception of any radio, television or other communication equipment, nor inhibit solar access to adjacent properties.
- (e) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- (f) The solar energy system should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- (g) The design of the solar energy system shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend with the existing and surrounding environment; and all panels shall be oriented in the same direction; that is, vertically or horizontally.
- (h) The solar energy system shall not be used for displaying any advertising except for reasonable identification of the manufacturer, owner, and/or operator of the system. In no case shall any such identification be visible from beyond or outside the property line.
- (i) Decommissioning:
 - (1) The solar energy system 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.
 - (2) The solar energy system 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.
 - (3) The solar energy system owner shall, at the request of the Township provide information concerning the amount of energy generated by the solar energy system in the last 12 months.
- (j) Permit Requirements:
 - (1) Zoning/building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is constructed.
 - (2) The zoning/building permit shall be revoked if the solar energy system, whether new or pre-existing, is moved or otherwise altered,

either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.

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

(k) Ground-Mounted Solar Energy System:

- (1) A ground-mounted solar energy system is prohibited in front yards unless unique physical circumstances or conditions exist that preclude them from being located in a side or rear yard. Such physical conditions may include, but are not limited to, topography, restricted solar access in other yards, other resource constraints, unusual situation of the principal use on the parcel, etc.
- (2) A ground-mounted solar energy system shall meet the setback requirements for accessory structures.
- (3) A ground mounted solar energy system shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.
- (4) A ground-mounted solar energy system 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 impede stormwater runoff from collecting in a construed stormwater conveyance system.
- (5) The area beneath the ground-mounted solar energy system is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to stormwater planning.
- (6) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and returned to environmentally stable condition.

- (7) Freestanding ground-mounted solar panels shall not exceed eight feet in height above the ground elevation.
 - (8) The property owner shall be required to install a secure and locked (minimum) six-foot-high fence around the ground-mounted solar energy system and the equipment related thereto.
 - (9) Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures. All electrical control devices associated with the solar energy system shall be locked to prevent unauthorized access or entry.
 - (10) A ground-mounted solar energy system shall be buffered from any adjacent residential uses by a buffer yard of at least 30 feet. Such buffer yard shall be part of the commercial installation and shall be parallel and adjacent to the boundary.
 - (11) A ground mounted solar energy system shall be buffered from any adjacent agricultural uses by a buffer yard of at least 15 feet. Such buffer yard shall be part of the commercial installation and shall be parallel and adjacent to the boundary.
 - (12) A ground mounted solar energy system shall be buffered from any other adjacent uses by a buffer yard of at least 20 feet. Such buffer yard shall be part of the commercial installation and shall be parallel and adjacent to the boundary.
- (l) Roof-Mounted Solar Energy System:
- (1) A roof-mounted solar energy system may be located on a principal or accessory building.
 - (2) Permitted solar energy system panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation) or separate solar panels attached flat to the roof's surface.
 - (3) Roof-mounted solar panels other than those described in Subsection E(24)(d)(2) (above) shall be permitted so long as such roof-mounted solar panels are located on a rear or side facing roof, as viewed from any adjacent street; shall not exceed three feet above the plane of a sloped rooftop at any point, shall not project vertically above the peak or ridge line of a sloped roof or more than five feet above a flat roof.

- (4) The highest point of solar panels on rooftops shall not exceed one foot above the permitted height of the zoning district.
 - (5) Before the issuance of a zoning and/or building permit, the applicant shall provide a Pennsylvania-licensed professional engineer's certification with the engineer's seal that the roof can support the panels and equipment to be installed on it.
- (m) All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
- (1) The design and installation of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with the requirements of the Pennsylvania Uniform Construction Code (UCC), as amended. All wiring shall comply with the applicable version of the National Electric Code (NEC), as amended. The local electric utility service provider shall be contacted by the owner and/or applicant to determine grid interconnection and net metering policies.
 - (2) A Pennsylvania structural engineer shall seal all plans for either a ground array or roof-mounted solar energy system to certify that the roof can support the loads, and that the roof and/or ground array can withstand 100 mile-an-hour winds.
 - (3) Only a North American Board of Certified Energy Practitioner (NABCEP) or a licensed electrician shall install a solar energy system.
2. Chapter 27, Part 14, Section 27-1403.E(58.1), relating to Additional Requirements for Specific Principal Uses, is hereby amended to read as follows:

(58.1) Solar Energy System, off-site usage:

- (a) A solar energy system shall be permitted by right in the SWZD- Solid Waste Zoning District and post-closure landfill sites and permitted by special exception in the A- Agricultural and LDR- Low Density Residential Zoning Districts.
- (b) An application submitted for a solar energy system, off-site usage, shall contain a project narrative which shall include the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar energy system.

- (c) An affidavit or similar evidence of agreement between the property owner and the solar energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar energy facility.
- (d) All solar energy system applications after the effective date of this section shall be required to meet the terms and conditions of the Williams Township Code, including but not limited to Stormwater Management, Subdivision and Land Development, and Performance standards.
- (e) A solar energy system constructed prior to the effective date of this chapter shall not be required to meet the terms and conditions of this chapter. Any physical modification to any existing solar energy system, whether or not existing prior to the effective date of this chapter, that expands the solar energy system shall require approval under this chapter. Routine maintenance or replacements do not require a permit.
- (f) The solar energy system layout, design and installation shall conform to applicable industry regulations, and with all other applicable fire and life safety requirements.
- (g) A solar energy system shall be situated to eliminate concentrated glare onto nearby structures or roadways.
- (h) The owner of a solar energy system shall provide the Township written confirmation that the public utility company to which the solar energy system will be connected has been informed of the customer's intent to install a grid-connected system.
- (i) Signage shall comply with the prevailing sign regulations.
- (j) The solar energy system owner and/or operator shall maintain a phone number throughout the life of the project for Williams Township Zoning/Code Enforcement Officer to contact with inquiries and verified complaints. The solar energy system owner and/or operator shall make reasonable efforts to respond to the inquiries and complaints. A contact name, with knowledge of the system, must be provided to Williams Township with updates due to employee advancement or turnover.
- (k) The solar energy system shall meet the lot size requirements of the applicable zoning district.
- (l) A solar energy system shall comply with the following setback requirements:

- (1) Building setbacks of the relevant zoning, except adjacent to any residential district or parcel, the solar panels must follow a minimum fifty-foot setback.
 - (2) If the solar energy system occupies two or more adjacent properties, setbacks between the adjacent properties shall be waived along the shared property boundaries so that the solar energy system may be installed continuously and make the most efficient use of the project area.
- (m) Ground-Mounted Solar Energy System:
- (1) The ground-mounted solar energy system shall meet the lot size requirements of the underlying zoning district.
 - (2) The ground-mounted solar energy system shall comply with the setbacks of the underlying zoning districts for principal structures.
 - (3) The ground-mounted solar energy system shall not exceed eight feet in height.
 - (4) The area beneath the ground-mounted solar energy system is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surface limitations for the applicable Zoning District.
 - (5) Gravel or paved access roads servicing the ground-mounted solar energy system shall be considered impervious coverage and calculated as part of the impervious coverage limitations.
 - (6) Street screening shall consist of slat fencing or shrubs, six feet to eight feet high when mature, that shall be planted every 15 feet of property abutting a public right-of-way. Shrubs shall be planted adjacent to or outside of the road right-of-way. Solar perimeter fence shall be placed between shrubs and solar panels. Reasonable modifications to these requirements may be requested.
 - (7) Residential buffer screening may be slat fencing or a row of evergreen conifers or broadleaf evergreens spaced in accordance with the chosen species to achieve a continuous visual barrier reaching six feet to eight feet in height within two years of planting. Screening may be a combination of plantings and/or structures with

prior approval by the Township. Reasonable modifications to these requirements may be requested.

- (8) Perimeter fence shall be placed between shrubs and solar panels.
- (9) Widespread use of herbicides to control ground cover growth is prohibited.
- (10) The ground-mounted solar energy system shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority.
- (11) Unless agreed to by the easement or right-of-way holder, ground-mounted solar energy system 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 impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- (12) The ground-mounted solar energy system shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- (13) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence and on the surrounding the ground-mounted solar energy system informing individuals of potential voltage hazards.
- (14) Access drives to solar inverter stations are required to allow for maintenance and emergency management vehicles. A recommended minimum cartway width is 20 feet.
- (15) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
- (16) The applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.
- (17) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system must be returned to an environmentally stable condition.

(n) Decommissioning.

- (1) An affidavit, or similar evidence, signed by the property owner and the solar energy system facility owner affirming a lease agreement with a decommissioning clause (or similar) and a successors and assigns clause. The decommissioning clause must provide sufficient funds to dismantle and remove the solar energy system, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads and other associated facilities from the property. The successors and assigns clause must bind those successors and assigns to the lease agreement.
- (2) The solar energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months and the owner has not initiated necessary remedial actions to return the solar energy system to a generating state. If the solar energy system owner fails to dismantle and/or remove the solar energy system within 18 months of cessation or abandonment, the Township may complete the decommissioning at the property owner's expense. The solar energy system owner must post a bond when the application for such a system is filed with the Township, in an amount determined by the Township's Engineer, to ensure the proper decommissioning.
- (3) The solar energy system owner shall, at the request of the Township provide information concerning the amount of energy generated by the solar energy in the last 12 months.
- (4) During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every 10 years to the Township. Upon approval of the estimated costs by the Township's Engineer, a revised surety shall be provided to the Township in the amount of 150% of the new estimate.

(o) Roof Mounted Solar Energy System:

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

- (2) A solar energy system mounted on the roof of any building shall be subject to the maximum height regulations of the underlying zoning district.

ARTICLE II. DEFINITION

1. Chapter 27, Part 2, Section 27-201.B, related to Definition, is hereby amended with the addition of subsection (4) under the "Permit" definition, which shall read as follows:

- (4) Temporary Occupancy Permit – A permit issued by the Township as a result of the Township's inspection of a property incident to the construction of a structure, building or change in use of a structure, or parcel of land, or reoccupancy of a structure, building, or land indicating that the structure, building, or land, to the best knowledge of the Township staff, is not fully compliant with the Township's ordinances, and the purpose of the permit is to authorize the owner to fully utilize or reside in the property while coming into full compliance with the Township's ordinances.

ARTICLE III. ADMINISTRATION

1. Chapter 27, Part 1, Section 27-109.B, related to Permits and Certificates, is hereby amended to read as follows:

B. Occupancy Permit (or "certificate of use and occupancy.")

- (1) No new or altered building or structure for which a zoning permit, building permit, sewage permit, grading permits, and/or any other applicable permits were required shall be used or occupied until permit for such use or occupancy has been issued by the Zoning Officer indicating that the building, or use complies with the terms of the Township's ordinances. Additionally, to issue the occupancy permit, the Zoning Officer must (where applicable) first receive, in writing, the final approval of:
 - (a) The on-lot septic system from the Township Sewage Enforcement Officer or proof of connection to a public sanitary sewer; and
 - (b) Certification by a licensed water-testing lab that the well has potable water, or an approved connection to a municipal water system.
- (2) An occupancy permit shall also be required for:
 - (a) Any new or expanded commercial or industrial use of any building or land; or
 - (b) Any such commercial or industrial use that is intended to be conducted by a new or different owner or occupant of any building or land.

- (3) Temporary Occupancy Permit (or "temporary certificate of use and occupancy"):
- (a) If the Zoning Officer determines that a new or altered building or structure for which a zoning permit, building permit, sewage permit, grading permits, and/or any other applicable permits were required is not fully compliant with the terms of the Township's ordinances, the Zoning Officer may issue a temporary occupancy permit to allow use and occupancy of the building or structure while project is being completed and the building or structure may be occupied safely.
 - (b) The Zoning Officer may deny approval of a temporary occupancy permit if it is apparent that the intended occupants or the general public will be subject to hazards that may result from the continued construction activity or any other cause.
 - (c) The temporary occupancy permit shall specify relevant conditions the owner must satisfy to obtain a final occupancy permit, and set forth a time period for completion of the conditions.
 - (d) During the time period that a property is used or occupied pursuant to a temporary occupancy permit and no final occupancy permit has been issued, no other zoning permits, building permits, and/or any other permits shall be issued by the Township for said property.
 - (e) Temporary occupancy permits automatically terminate when the final certificate of occupancy is issued, or when the time period on such permit expires.

ARTICLE IV. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

ARTICLE V. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

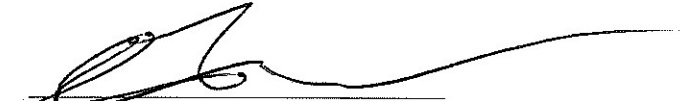
ARTICLE VI.

EFFECTIVE DATE.


This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 14th day of February, A.D., 2024.

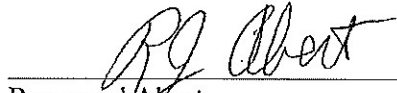
**WILLIAMS TOWNSHIP
BOARD OF SUPERVISORS**



George Washburn




N. Michael Bryant



Raymond Abert

ATTEST:



Hannah Warner, Secretary
Williams Township