

**TOWNSHIP OF GIRARD
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 23-02**

**AN ORDINANCE OF GIRARD TOWNSHIP, ERIE COUNTY,
PENNSYLVANIA, ESTABLISHING REGULATIONS FOR SOLAR
ENERGY SYSTEMS; PROVIDING FOR PERMITS FOR
INSTALLATION; PROVIDING FOR REQUIREMENTS FOR
DECOMMISSIONING; PROVIDING FOR ENFORCEMENT AND
PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY
AND AN EFFECTIVE DATE.**

Definitions:

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 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.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) - An area of land or other area used for a solar collection systems, 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 infrastructures, transmission lines and other appurtenant structures.

SOLAR ARRAY - A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL - The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR EASEMENT - 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.

SOLAR ENERGY - Radiant energy (direct, diffused and/or reflective) received from the sun.

SOLAR MODULE - A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL (PV) - 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, but not limited to, 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.

REGULATIONS FOR ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

Regulations applicable to all Accessory Solar Energy Systems:

A. PERMITTED AS AN ACCESSORY STRUCTURE

1. ASES shall be permitted as a use by right as an accessory structure in all zoning districts.

B. COMPLIANCE WITH INDUSTRY STANDARDS

1. 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, the similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, 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 permit application.

C. INSTALLERS

1. ASES installers must demonstrate they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

(a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.

(b) Has successfully 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.

(c) For residential applications, is a registered home improvement contractor with the Pennsylvania Attorney General's Office.

D. MAINTENANCE IN GOOD WORKING ORDER

1. Upon completion of installation, the ASES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which

the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Girard Township in accordance with all applicable ordinances.

E. UNDERGROUND REQUIREMENTS

1. All on-site utility, transmission lines, and plumbing shall be placed underground.

F. GLARE

1. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses through siting or mitigation.

G. SIGNAGE

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

H. SOLAR EASEMENTS

1. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and /or property owner for an ASES, such matter shall be carried out as a civil agreement between or among all applicable parties. Girard Township shall not be a party to any agreement designed to provide a solar easement, nor shall Girard Township be responsible for ensuring the maintenance of any solar easement.

I. DECOMMISSIONING

1. Each ASES and all solar related equipment shall be removed within twelve (12) continuous 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.

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

3. The ASES, at the request of Girard Township, shall provide information concerning the amount of energy generated by the ASES in the last 12 months.

J. ZONING PERMIT REQUIREMENTS

1. A Zoning Permit Application 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 and setbacks. The applicant shall be required to secure all applicable building permits required under the PA Uniform Construction Code. All Permits shall be kept on the premises where the ASES is constructed.

2. A new Zoning Permit shall be required if an 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.

3. 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. In the event of a violation of any of the forgoing provisions, the Zoning Office shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES pursuant to the enforcement provisions of this ordinance.

4. Routine maintenance or like kind replacements do not require a permit.

K. ROOF MOUNTED AND WALL MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

1. Location - A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. Setbacks

(a) Wall mounted ASES shall comply with the setbacks for principal and accessory structures of the underlying zoning districts.

(b) Solar panels shall not extend beyond any portion of the roof edge.

3. Height - The total height of the building with an ASES shall not exceed by more than three (3) feet above the maximum building height specified for principal or accessory buildings within the underlying zoning district.

4. Code Compliance - For roof and wall mount systems, applicant shall provide evidence that the plans comply with the PA Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by engineered stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

L. GROUND MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

1. Setbacks

(a) The minimum yard setbacks from side and rear property lines shall comply with the required setbacks for a principle structure setback in the underlying zoning district.

(b) Ground mounted ASES are prohibited in front yards, between the principle building and the public street, excluding front yard locations which are located not less than 200 feet from the property line.

2. Height - Freestanding ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.

3. Coverage

(a) 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 calculated in the lot coverage of the lot in which the system is located. ASES shall not exceed the maximum lot coverage requirement of the underlying zoning district.

(b) The applicant shall submit a Stormwater Management Plan that demonstrates compliance with Girard Township stormwater management regulations.

4. Screening

(a) Ground mounted ASES when located 50 feet from a property line shall be screened from any adjacent property that is residentially zoned or used for residential purposes. Screening shall follow Township of Girard General Code Chapter 200, Article V, 200-58, A (1).

(b) Use of existing natural screening shall be encouraged.

5. Safety/Warning Signage- 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.

6. Location restrictions - 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 placed in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

REGULATIONS FOR PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

Criteria applicable to all Principal Solar Energy Systems:

A. PERMITTED AS A CONDITIONAL USE

1. PSES shall be permitted as a Conditional Use in the A-1, RA and I-2 District(s).

B. COMPLIANCE WITH INDUSTRY STANDARDS

1. The PSES 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 the similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, 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 permit application.

C. INSTALLERS

1. PSES installers must demonstrate they that they meet the criteria to be a DEP approved installer meeting or exceeding one of the following requirements:

(a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.

(b) Has successfully 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.

D. MAINTENANCE IN GOOD WORKING ORDER

1. Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the PSES was constructed. Failure of the property owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by Girard Township in accordance with all applicable ordinances.

E. UNDERGROUND REQUIREMENTS

1. All on-site utility, transmission lines, and plumbing shall be placed underground.

F. NOISE

1. Every effort shall be made to install all electrical appurtenances with noise output near the center of the array so as not to cause disturbances to the surrounding properties.

G. GLARE

1. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produce does not have significant adverse impact on neighboring or adjacent uses through siting or mitigation.

H. SIGNAGE

1. The display of advertising is prohibited except for identification of the manufacturer of the system, provided they comply with any applicable sign regulations.

I. SOLAR EASEMENTS

1. Where a subdivision or land development proposes a PSES, solar easements may be provided. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for a PSES, such matter shall be carried out as

a civil agreement between or among all applicable parties. Girard Township shall not be a party to any agreement designed to provide a solar easement, nor shall Girard Township be responsible for ensuring the maintenance of any solar easement. Said easement shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant, shall run with the land benefitted and burdened: and shall be defined and limited by conditions stated in the instrument of conveyance.

J. UTILITY NOTIFICATION

1. The owner of a PSES shall provide Girard 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 approved of such connection.

K. CONTACT INFORMATION

1. The PSES owner and /or operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquires and complaints throughout the life of the project. The PSES owner and/or operator shall provide the Board of Supervisors a written plan outlining procedures on how complaints will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property.

L. DECOMMISSIONING

1. The PSES owner 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 twelve (12) continuous months.

2. The PSES owner shall then have twelve (12) 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 or remove the PSES within this time frame, the Township may do so at the owner's expense. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. Any soil contamination shall be remediated.

3. Any necessary permits such as Erosion and Sedimentation and NPDES permits shall be obtained prior to decommissioning activities.

4. At the time of the issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Township to secure its obligations under this section.

(a) The PSES Developer shall, at the time of application, provide the Township with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of 25% to account for the cost of obtaining permits to complete the activities. The decommissioning cost estimate formula shall be:

Gross cost of decommissioning activities + Administrative Factor of 25% = the decommissioning cost estimate.

(b) On every 5th anniversary of the date of providing the decommissioning financial security the PSES Owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value of changes. The PSES Owner shall remit the increase financial security to the Township within 30 days of the approval of the updated decommissioning security estimate by the Township.

(c) Decommissioning security estimates shall be subject to review and approval by the Township and the PSES Developer/Owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.

(d) At no time shall the financial security be an amount less than \$500,000.

(e) The decommissioning security may be in the form of cash or Irrevocable Standby Letter of Credit.

(f) Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the Township outlining the responsibility of the parties under this ordinance.

M. PERMIT REQUIREMENTS

1. A Land Development Plan shall be filed under the Subdivision and Land Development Ordinance (Girard Township Code § 174-33) and shall be permitted following final approval by the Board of Supervisors provided any conditions attached to the plan are met. A Zoning Permit Application shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the PSES on the property, including property lines and setbacks. Permits shall be kept on the premises where the PSES is constructed.

2. Must provide documentation of approval from the Federal Aviation Administration.

3. The PSES must comply with Girard Township zoning and subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirement, coded, and regulations.

4. 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 the industry standards as needed to keep the PSES in good repair and operating condition.

5. Prior to issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuance of said permits shall not and does not create in the property owner, its, his, hers, or their successors and assigns in title or, create in the property itself:

(a) 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

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

6. Routine maintenance or like-kind replacements do not require a permit.

N. GROUND MOUNTED PRINCIPAL SOLAR ENERGY SYSTEMS

1. Lot Size

A PSES shall require a lot size of not less than fifty (50) and not more than 500 acres. No development shall be within one mile of any town limit or within two miles of an existing solar array.

2. Setbacks

A PSES shall be setback a distance of not less than 150 feet to any property line. Any forested area within the setback shall remain.

3. Height

Ground mounted PSES shall not exceed 15 feet in height.

4. Lot 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 on which the system is located. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

5. The property should not exceed 8% slope and it should require only minimal grading as well as clearing and grubbing.

6. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Girard Township stormwater management regulations.

7. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for stormwater management.

8. Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system.

9. Security

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

(b) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the surrounding PSES informing individual of potential voltage hazards.

10. Access

(a) Access shall be granted to all fire, police and other emergency personnel by use of a Knox Box.

(b) A minimum 25' wide access road must be provided from a state or township roadway to the PSES site to be maintained in a passable working order.

(c) At a minimum, a 20' wide cartway shall be provided between the solar array rows to allow access for maintenance vehicles and emergency management 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 measured at its greatest parallel width.

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

12. The applicant must provide written comments from the relevant electric company regarding the capacity of the existing transmission lines envisioned to receive the electricity generated from the utility-scale solar facility. Proof of application for interconnection to the existing electricity system is required.

MISCELLANEOUS

A. ENFORCEMENT

1. Upon the receipt of a written complaint setting forth the existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof, the Code Enforcement Officer shall be authorized by the Girard Township Supervisors shall cause written notice to be given either by personal service or registered or certified mail to the owner of record of the Property upon which violation exists, to immediately cease construction, modification or the unauthorized use of the PSES.

2. Any Applicant who or which shall violate or permit to be violated the provisions of this Ordinance shall pay a fine of five hundred (\$500.00) plus all court costs, including attorney's fees incurred by the Township as a result thereof. Each day that a violation exists and is continued shall constitute a separate violation.

3. In addition, the Township shall also be entitled to recover from any Applicants all the Township's costs or fees arising out of or related to the application or enforcement of this Ordinance. Such costs may also include those to remedy violations of this Ordinance or to abate nuisances. The Costs shall include, but not be limited to engineering fees, geologists' fees, attorney fees, and staff/employee time.


B. Repealer. Any Ordinances, rules, or resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

C. Severability. The provisions of this Ordinance are severable. 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 that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part therefor not been included herein.

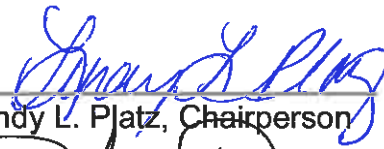
D. Effective Date. This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED this 10th day of October, 2023, by the Board of Supervisors of Girard Township, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:



Lindy L. Platz, Secretary



Lindy L. Platz, Chairperson



Peter C. Dion, Vice Chair

Absent

Clayton G. Brocius, Supervisor

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