

ORDINANCE NO. 103

**AN ORDINANCE REGULATING THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF LARGE-SCALE SOLAR ELECTRIC ENERGY FACILITIES**

**SECTION 1: TITLE**

This Ordinance shall be known as the Greene Township's Large Scale Solar Electric Facility Ordinance.

**SECTION 2: PURPOSES**

The statutory intent of this Ordinance is to adopt reasonable building, operational, and decommissioning requirements of all large-scale solar electric facilities to be located within the Township, and to set forth safety standards, all of which are intended to protect the public health, safety and welfare of the residents of Greene Township, as well as the owners of property within the Township.

**SECTION 3: DEFINITIONS**

A. "Applicant" is the Landowner or Developer and includes their heirs, successors and assigns, who has filed an application for development of a Solar Electric Energy Facility under this Ordinance.

B. "Facility Owner" means the person or entity having an equity interest in the Solar Electric Energy Facility, including their heirs, successors and assigns.

C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the Solar Electric Energy Facility.

D. "Solar Electric System" means the components and subsystems that, in combination, convert solar energy into electric energy suitable for use. The term includes but is not limited to photovoltaic and concentrated solar power systems.

E. "Solar Electric Energy Facility" means a Large-Scale Solar Electric Energy Facility, whose main purpose is to generate and supply electricity and consists of one or more Solar Electric Systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities for sale into the electric grid. These facilities shall not include Solar Electric Energy Systems meant for residential or commercial on-site usage, even if excessive electricity is fed into the grid.

F. "Solar Farm". The location of the solar electric energy facility is situated. The solar farm shall be located on a parcel or combined parcels of land with a minimum acreage of eighteen (18) acres.

#### **SECTION 4. APPLICABILITY**

A. This Ordinance applies to any Solar Electric Energy Facility proposed to be constructed after the effective date of the Ordinance. Any pending application for a Solar Electric Energy Facility shall be subject to the requirements and conditions of this Ordinance under the Pending Ordinance Doctrine.

B. A Solar Electric Energy Facility constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modification or alteration to an existing Solar Electric Energy Facility

that materially alters the size, type or components of the Solar Electric System shall require a permit under this Ordinance. Routine operation and maintenance or like-kind replacements do not require a permit.

#### **SECTION 5. PERMIT REQUIREMENTS**

A. No Solar Electric Energy Facility, or addition of a Solar Electric System to an existing Solar Electric Energy Facility, shall be constructed or located within Greene Township, Pike County, Pennsylvania, unless a permit has been issued to the Facility Owner or Operator approving construction of the Solar Electric Energy Facility under this Ordinance.

B. The permit application or amended permit application shall be accompanied with a fee in the amount of One Thousand Dollars (\$1,000). The Permit Application or Amended Permit Application, shall be accompanied with a fee in the One Thousand Dollars. The Permit Fee is required for engineering and legal review files. Any unused funds shall be refunded to the applicant after the permit is issued. In the event that additional fees are required for review by the Township Engineer, an additional fee shall be remitted to cover said necessary expenditures.

C. Any physical modification to an existing and permitted Solar Electric Energy Facility that materially alters the size, type and number of Solar Electric Systems or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

D. No permit shall be issued for a Solar Electric Energy Facility unless the minimum lot size for a solar farm is depicted and thereafter verified on the permit application.

**SECTION 6. PERMIT APPLICATION**

A. The permit application shall demonstrate that the proposed Solar Electric Energy Facility will comply with this Ordinance.

B. Among other things, the application shall contain the following:

1. A narrative describing the proposed Solar Electric Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Solar Electric Energy Facility, the approximate number, representative types and height or range of heights of the panels or other Solar Electric System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.

2. An affidavit or similar evidence of agreement between the Landowner of the real property on which the Solar Electric Energy Facility is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the Solar Electric Energy Facility (“Participating Landowner Agreement”). As a conditional requirement, the Facility Owner must provide a copy of an interconnection agreement with PJM and/or PPL and/or such other utility entity.

**3. Identification of the properties or portions thereof on which the proposed Solar Electric Energy Facility will be located, and the properties adjacent to where the Solar Electric Energy Facility will be located. Identification shall include the name of the current property owner of the property proposed for the contemplated facility as well as all other adjoining owners by name and tax parcel numbers. Identification shall also include any properties situated on any adjoining state or township roadway, for which the adjoining property owners share a common boundary line with the property upon which the facility is proposed.**

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

**5. Documents relating to decommissioning, including a schedule for decommissioning. The projected cost of decommissioning must be set forth with supporting estimates by a qualified expert or company.**

**6. Such other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by the Greene Township Board of Supervisors recommended by the Township Engineers to ensure compliance with this Ordinance.**

C. Within thirty (30) days after receipt of a permit application, Greene Township will determine whether the application is complete and advise the applicant accordingly.

D. Within sixty (60) days of a completeness determination, Greene Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

E. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, Greene Township will make a decision whether to issue or deny the permit application.

F. Throughout the permit process, the applicant shall promptly notify Greene Township of any changes to the information contained in the permit application.

G. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

#### **SECTION 7. DESIGN AND CONSTRUCTION**

A. Design Safety Certification: The design of the Solar Electric Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE,

Solar Rating and Certification Corporation (SRC), ETL, Florida Solar Energy Center (FSEC) or other similar certifying organizations.

**B. Uniform Construction Code:** The Solar Electric Energy Facility and the Solar Electric System shall be constructed to and comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they related to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.

**C. Visual appearance: Power Lines:**

1. Solar Electric Energy Facilities shall not be artificially lighted, except to the extent required by safety or by any applicable federal, state or local authority.

2. Solar Electric Energy Facilities shall not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the Facility Owner.

3. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

**D. Fencing and Warnings:**

1. A Solar Electric Energy Facility shall be enclosed by a fence with a minimum height of seven (7) feet, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. Welding wire fencing is preferred over chain link fencing.

2. Clearly visible warning signs shall be placed on the fence, barrier or Solar Electric Energy Facility perimeter to inform individuals of potential voltage hazards.

3. Additional Visual Appearance Requirements:

Where in the judgment of the Board of Supervisors, and concerns of neighboring property owners, natural vegetation may be required along the perimeter fencing. In the event that natural vegetation is dead, it shall be replaced within ninety (90) days of said event, or in the event of winter, by the first of May.

E. Entrance Road And Road Bond

The Applicant shall depict the location of any entrance to the proposed solar farm upon an accompanying map to the application. The entry road shall be a minimum of twenty (20) feet wide from the intersection with a public highway to the inverter/transformer. The entry road that maintained by the facility owner to provide access for any emergency vehicles. The applicant shall submit a Bond in an amount of One Million Dollars, or such lesser amount in the event that the Township so agrees, by an irrevocable line of credit from a banking institution, or a Bond by a licensed insurance company to assure restoration of any Township Road, bridge, or culvert pipe that are damaged during the construction of the Solar Farm.

**SECTION 8. SETBACKS**

A. Property lines: All Solar Electric Energy Systems shall be located one hundred (100) feet from all property lines where the System is located. These distances shall be measured from the closest edge of the Solar Electric Energy System to the property line.

B. A Solar Electric Energy Facility shall be sited in such a way that it presents no threat to traffic or to public health and safety.

**SECTION 9. NOISE**

The Solar Electric Energy System shall be designed and otherwise positioned so as to limit the amount of noise emitted to neighboring properties as much as reasonably capable.

**SECTION 10.**

Any change of ownership of the Facility Owner whether by deed and/or transfer of shares of a corporate entity and/or of a limited liability company, whether in whole or fractional part, shall require notification to the Township within thirty (30) days of said transfer occurrence.

**SECTION 11. DECOMMISSIONING**

A. The Facility Owner and Operator shall, at their expense, complete decommissioning of the Solar Electric Energy Facility or individual Solar Electric System within twelve (12) months after the end of the useful life of such Facility or System. A Solar Electric Energy Facility or System will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

B. Decommissioning shall include removal of all Solar Electric Energy Systems, buildings, cabling, electrical components, roads, foundations and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

D. The estimated cost of decommissioning shall be secured by a Bond or such other security to ensure the completed decommissioning of the Solar Electric Energy components. The amount of the bond shall be adjusted if necessary every three (3) years to adjust for the estimated cost of decommissioning with factoring inflation costs as well as any further salvage values for component.

## **SECTION 12. REMEDIES**

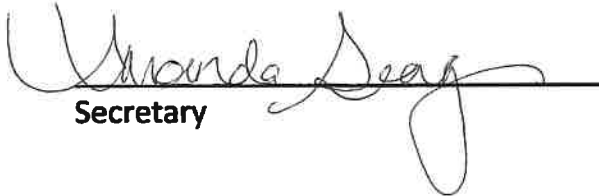
A. It shall be unlawful for any person, firm or corporation to violate or fail to comply with or take any action that is contrary to the terms of this Ordinance or a permit issued under this ordinance or cause another to violate or fail to comply, or take any action which is contrary to the terms of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

B. If, after thirty (30) days from the date of the notice of violation, Greene Township determines, in its discretion, that the parties have not resolved the alleged violation, Greene Township may institute civil enforcement proceedings or any other remedy at law or in equity to ensure compliance.

**SECTION 13. EFFECTIVE DATE**

This Ordinance shall take effect within five (5) days of enactment.

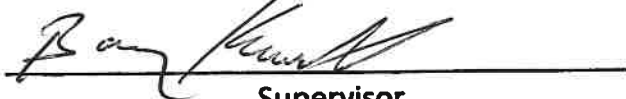
Attest:

  
Secretary

**GREENE TOWNSHIP BOARD  
OF SUPERVISORS:**

  
\_\_\_\_\_

Supervisor

  
\_\_\_\_\_

Supervisor

\_\_\_\_\_  
\_\_\_\_\_

Supervisor

Greene Township

Pike County

UCC Solar Panel Permit Application

**COMPLETENESS CHECKLIST**

**The individual completing the application should use the checklist below to assure that all items are included in the application package. The Building Codes Officer will confirm that the required items have been included within 5 days of receipt.**

- Completed Application with applicant's name, signature and date.
- Public Hearing Date \_\_\_\_\_
- Project plans and specifications, (including plot plan) with all required information to verify code compliance.
- Completion of land development – Approval date \_\_\_\_\_
- Engineer's Seal on drawings – (required for Commercial work). Email to: [Planreview@BIUinc.com](mailto:Planreview@BIUinc.com).
- Driveway Permit.
- Screening Plan.
- NPDES Permit.
- Decommissioning Bonds or Irrevocable Letter of Credit from a Federally insured banking institution.
- Completed Worker's Compensation Insurance Coverage Form.
- Municipal Fee payable to Greene Township = \$1,000.00.

\_\_\_\_\_  
Completeness Signature of Building Code Official

\_\_\_\_\_  
Date Submittal Determined Complete

**UNIFORM CONSTRUCTION CODE  
SOLAR PANEL PERMIT APPLICATION**

PLEASE PRINT LEGIBLY

**LOCATION OF PROPOSED WORK OR IMPROVEMENT**

Tax Parcel #: \_\_\_\_\_

County: \_\_\_\_\_ Township or Borough: \_\_\_\_\_

Address: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Subdivision/Land Development: \_\_\_\_\_ Lot #: \_\_\_\_\_

Directions to Work Site: \_\_\_\_\_

Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Complete Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Principal Contractor: \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_

The *Building Permit* and *Occupancy Permit* should be sent to:     Owner             Contractor (please check)

**DESCRIPTION OF WORK:** \_\_\_\_\_

**ESTIMATED FAIR MARKET VALUE OF CONSTRUCTION \$** \_\_\_\_\_

**BUILDING/SITE CHARACTERISTICS**

Proposed Building Area: \_\_\_\_\_ sq. ft.

Height of Structure Above Grade: \_\_\_\_\_ ft.

**FLOODPLAIN**

Is the site located within an identified flood hazard area? (*Check one*)     YES     NO  
Will any portion of the flood hazard area be developed? (*Check one*)     YES     NO     N/A

If checked yes, applicant must submit certification that lowest floor elevation is at or above the design 100-year flood elevation, as required in the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (Act 166-1978), specifically *Section 58-9* All living spaces and mechanical equipment shall be placed above the 100-year flood elevation.

Note: The National Flood Insurance Program recommends that residential and non-residential structures be elevated 1.5' above the 100-year flood elevation. Many municipalities have adopted all or part of these recommendations in their zoning ordinances, in which case the most restrictive regulation will apply.

Lowest Floor Level: \_\_\_\_\_

**CONSTRUCTION PLANS AND SPECIFICATIONS**

Are construction plans and/or specifications attached, illustrating elevations, floor plans, electrical, plumbing, mechanical layouts, energy code compliance data, design loads and calculations, window and door schedule, typical cross sections, typical footer and foundation details, etc.?

YES  NO

**SITE PLAN**

Is a site plan attached, showing the size and location of the new construction and existing structures on the site and the structure's distance from the property lines?

YES  NO

**WORKER'S COMPENSATION INSURANCE COVERAGE**

All applicants are required to submit evidence of Worker's Compensation Insurance Coverage or an exemption form as directed by PA ACT 44. Complete and attach the Worker's Compensation Insurance Coverage Worksheet.

**Note:** Contractor may fax or mail Workman's Compensation Insurance Coverage directly to the Township office - include the job name on the fax. Fax # (570) 689-5002

Worker's Compensation Insurance Coverage Worksheet attached.

## CERTIFICATION AND/OR ACKNOWLEDGEMENT OF RESPONSIBILITY

Application for a permit shall be made by the *owner* or *lessee* of the building or structure, the *agent* of either, or by the *registered design professional* employed in connection with the proposed work.

The applicant certifies that all information on this application is correct and the work will be completed in accordance with the "approved" construction documents and PA Act 45 (Uniform Construction Code) and any additional approved building code requirements adopted by the Municipality.

The property owner and applicant assume the responsibility of locating all property lines, setback lines, easements, right-of-way, flood areas, etc.

Issuance of a permit and approval of construction documents shall not be construed as authority to violate, cancel, or set aside any provisions of the codes or ordinances of the Municipality or any other governing body.

**Authorized Agent Acknowledgement** – I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as an authorized agent and agree to conform to all applicable regulations set forth by PA ACT 45.

**Pennsylvania Act 45, Sections 403.45 & 403.46 requires that a final inspection be performed. A building, structure or facility may not be used or occupied without a certificate of occupancy. Failure to arrange for your final inspection after the project is completed is a violation that will result in possible legal action from your municipality. This action may include a fine of not more than \$1,000.00 in costs for each day the violation exists (Section 903).**

I certify that the code administrator or the code administrator's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Print Name of Owner or Authorized Agent

\_\_\_\_\_  
Address, City, State, Zip

\_\_\_\_\_  
Date

# WORKER'S COMPENSATION INSURANCE COVERAGE INFORMATION

A. The Applicant or Authorized Agent is

A contractor within the meaning of the Pennsylvania Worker's Compensation Law

YES     NO

If the answer is "yes" complete Section B, if "no" complete section C below.

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B. Insurance Information

Name of Applicant \_\_\_\_\_

Federal or State Employer Identification No. \_\_\_\_\_

Applicant is a qualified self-insurer for Worker's Compensation.     Certificate Attached

Name of Worker's Compensation Insurer \_\_\_\_\_

**Worker's Compensation Insurance Policy**

No. \_\_\_\_\_     Certificate Attached

Policy Expiration Date: \_\_\_\_\_

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C. Exemption

I, \_\_\_\_\_, do attest that I will not employ/hire any other persons for the project for which I am seeking a building permit.

After receipt of the building permit, if I employ any other persons, I will notify this office and provide proof of workers' compensation coverage within three working days.

I understand that failure to comply, will result in a STOP-WORK order and that such order may not be lifted until proper coverage is obtained, as provided by Section 302(e)(4) of the act of June 2, 1915 (P.J. 736), known as the Pennsylvania Workers' Compensation Act, reenacted and amended June 21, 1939 and amended December 5, 1974 and amended July 2, 1993, Act 44.