

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE OF SOUTHAMPTON TOWNSHIP, FRANKLIN COUNTY,  
PENNSYLVANIA, ESTABLISHING PROCEDURES AND GUIDELINES FOR THE  
CONSTRUCTION AND USE OF SOLAR ENERGY SYSTEMS WHILE PROVIDING FOR  
THE HEALTH AND SAFETY OF ALL RESIDENTS AND AMENDED AND UPDATING  
CHAPTER 31 SUBDIVISION AND LAND DEVELOPMENT AND CHAPTER 39  
ZONING.**

WHEREAS, Southampton Township (the “Township”) is a duly organized Second Class Township that, pursuant to the Second Class Township Code, that may regulate zoning, building, housing, property maintenance, fire and public safety, among other public matters; and

WHEREAS, the Township desires to adopt guidelines in order to regulate the construction and use, disposal and remediation of solar energy systems, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling and electricity, whether for on-site use or off-site use.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Southampton Township, Franklin County, Pennsylvania, as follows:

**SECTION 1: LEGISLATIVE INTENT AND BACKGROUND**

The Preamble set forth above is incorporated into this Section as establishing the legislative intent and background of the Ordinance.

**SECTION 2: APPLICABILITY**

This Ordinance applies to solar energy systems to be installed and constructed after the effective date of this section, and all applications for solar energy systems on existing structures of property, whether Accessory Solar Energy Systems (ASES) or Principal Solar Energy Systems (PSES). Solar energy systems constructed prior to the effective date of this section shall not be required to meet the requirements of this section, provided that any structural change, upgrade or modification to an existing solar energy system that materially alters the size or placement of the existing solar energy system shall comply with the provisions of this section.

**SECTION 3: AMENDMENT OF SECTION 31-200 – Definitions**

The following Definitions shall be added to Chapter 31, Part 2. – DEFINITIONS (Sec. 31-200)

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, or roof mounted solar arrays or modules, or a tower, or other solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Remediation and Disposal – The process of shutting down or removing a principal solar energy system or accessory solar energy system and/or solar collector devices from operation or usage and restoring the property to its natural condition.

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, a tower, 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, or tower, or solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar 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 easement systems.

Solar Energy – Radiant energy, whether direct, diffuse and/or reflective, received from the sun.

Solar Panel – That part or portion of a solar energy system containing one or more receptive cells of 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 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 or solar energy.

1. Solar Array: A grouping of multiple solar modules with 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.

Wall-mounted – A vertical solar panel that is attached to the side of a building structure, making up part of an accessory solar energy system (ASES) or principal solar energy system (PSES).

#### SECTION 4: AMENDMENT OF CHAPTER 39 ZONING, PART 3 SUPPLEMENTARY REGULATIONS

Section 39-322 shall be added and shall read as follows:

Terms shall have the meaning as defined in Chapter 31, Part 2, unless more specifically defined herein. – DEFINITIONS (Sec. 31-200).

1. Accessory Solar Energy Systems (ASES)
  - a. Regulations Applicable to All ASES:
    - i. ASES that have a maximum power rating of not greater than 15kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating greater than 15kW shall comply with the requirements of Sub-Section 2 – Principal Solar Energy Systems.
  - b. Exemptions:
    - i. ASES with an aggregate collection and/or focusing area of 10 square feet or less are exempt from this Ordinance.

c. Permit Requirements

- i. The landowner, system owner and/or operator shall apply for a Land Use Permit and receive approval from the Township prior to the erection or installation of an ASES. Land Use 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 ASES is constructed.
- ii. The Permit shall be revoked within one (1) year unless extended after written request is made to the Township, or 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, overgrown brush, 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 ASES to conform or to remove the ASES.

d. Decommissioning, Remediation and Disposal

- i. Each ASES and all solar-related equipment shall be removed within twelve (12) 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 twelve (12) continuous months.
- iii. The ASES owner shall, at the request of the Township, provide information within 60 days concerning the amount of energy generated by the ASES in the last twelve (12) months.

2. Roof Mounted and Wall Mounted ASES

- a. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- b. ASES mounted on rooves or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying zoning districts.
- c. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning 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 rooves as viewed from any adjacent street unless the applicant demonstrates, through a solar

efficiency letter or report, that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

- f. Roof mounted solar panels shall be dark in color.
- g. Roof mounted solar panels shall be mounted following the existing slope of the roof and shall not be mounted more than eight (8) inches above the roof.
- h. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township and that the roof or wall is capable of holding the load imposed on the structure.

### 3. Ground Mounted ASES

- a. Ground Mounted ASES shall be permitted only on lots that are a minimum of two (2) acres and shall not be permitted on any lot that is less than two (2) acres for any reason.
- b. Setbacks
  - i. The minimum yard setbacks from side and rear property lines shall be ten (10) feet.
  - ii. Ground mounted ASES shall not be located in the required front yard of any principal or accessory structure. On any corner lot, the two sides of the yard that border the two streets shall both be considered to be front yards for purposes of this section.
- c. Height: the ground mounted system shall not exceed the maximum accessory structure height in the underlying zoning district.
- d. Impervious Coverage
  - i. The surface area shall be considered part of the building or structure's impervious coverage and the applicant shall submit a Storm Water Management Plan that demonstrates compliance with the municipal storm water management regulations.
- e. Screening
  - i. Ground mounted ASES shall be screened from adjoining residential uses or zoned according to the standards found in Section 31-908.B of the Southampton Township Subdivision and Land Development Ordinance.
- f. 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.
- g. Ground mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

4. Principal Solar Energy Systems (PSES)

a. Regulations Applicable to All PSES

- i. PSES shall be permitted as a conditional use in the Highway Commercial/Light Industrial Zoning District.
- ii. PSES Owners shall provide periodic energy production audit information to the Township on a no less than yearly basis, unless requested more frequently by the Township. Upon request by the Township, Owners shall provide such information within sixty (60) days.

b. Permit Requirements

- i. The landowner, system owner and/or operator shall apply for a Land Use Permit and receive approval from the Township prior to the erection or installation of PSES. The PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulations.
- ii. 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.
- iii. The Permit shall be revoked within one (1) year unless extended after written request is made to the Township, or if the PSES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSES not to be in conformity with this Ordinance.
- iv. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application or permit may be removed for the installation or operation of a PSES.
- v. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiring and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- vi. A decommissioning plan that details the plan for remediation and disposal shall be presented with the permit application.

c. Decommissioning, Remediation and Disposal

- 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 twelve (12) continuous months.
- ii. 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 and/or remove the PSES within the established timeframes, the Township may complete the decommissioning at the owner's expense or call on the financial security.

- 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. Each five (5) years following the approval of an Application under this Section, the owner shall resubmit verification of the estimated cost of decommissioning and restoration and updated financial security. The bondholder must notify the Township no less than thirty (30) days prior to the expiration of any bond or financial security of the security's impending expiration.

d. Ground Mounted PSES:

- i. Minimum lot size: the PSES shall meet the lot size requirements of the underlying zoning district.
- ii. Setbacks: the PSES shall comply with the setbacks of the underlying districts for principal structures.
- iii. Height: ground mounted PSES shall comply with the building height restrictions for principal structures of the underlying zoning district.
- iv. Impervious Coverage: The surface area shall be considered part of the building or structure's impervious coverage and the applicant shall submit a Storm Water Management Plan that demonstrates compliance with the municipal storm water management regulations.
- v. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 31-908.B of the Southampton Township Subdivision and Land Development Ordinance and a minimum 50-foot wide buffer strip.
- vi. Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

e. Security

- i. All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- ii. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

f. Access

- i. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.
- ii. At a minimum, a 20' 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. Access to the PSES shall comply with the municipal access requirements in the Southampton Township Subdivision and Land Development Ordinance.
- iv. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state or local authority.
- v. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

g. Roof and Wall Mounted PSES:

- i. 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.
- ii. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulation of the underlying zoning district.
- iii. Wall mounted PSES shall comply with the setbacks for principal structures in the underlying zoning districts.
- iv. Roof mounted solar panels shall not extend beyond any portion of the roof edge.

5. All Solar Energy Systems (ASES and PSES):

- a. The layout, design, installation and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute, Underwriters Laboratories, the American Society for Testing and Materials, Institute of Electrical and Electronics Engineers, Solar Rating and Certification Corporation, Electrical Testing Laboratory, Florida Solar Energy Center or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Southampton 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.

Upon completion of installation, the Solar Energy System shall be maintained in good working order in accordance with standards of the Southampton Township codes under which the Solar Energy System was constructed. Failure of the property owner and/or system owner to maintain the Solar Energy System in good working order is grounds for appropriate enforcement actions by the Township in accordance with

applicable ordinances.

- b. Solar Energy System installers must certify that they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - i. Is certified by the North American Board of Certified Energy Practitioners;
  - ii. Has completed an Interstate Renewable Energy Council Institute for Sustainable Power Quality accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems;
  - iii. For residential applications of ASES only, a registered home improvement contractor with the PA attorney General's Office.
- c. All on-site utilities, transmission lines, and plumbing shall be placed underground to the extent feasible.
- d. The owner of a grid-connected ASES and of all PSES shall provide Southampton 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 and approved of such connection. Off-grid ASES systems shall be exempt from this requirement.
- e. No portion of the Solar Energy System shall contain or be used to display advertising.
- f. Glare: all Solar Energy Systems 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 either through siting or mitigation. The applicant's proof shall be in the form of either an acknowledgement letter or glare report provided to the Township.
- g. Solar Easements
  - i. Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
  - ii. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easements shall include, at a minimum, a description of the dimensions of the easement including vertical and horizontal angels measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed; restrictions on the placement of vegetation, structures and other objects which may impair or obstruct the passage of sunlight through the easement; enumerate the terms and conditions, if any, under which the easement may be revised or



terminated; explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- iii. If required, a Solar Energy System owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
- h. Prior to the issuance of any land use permit, applicants must acknowledge in writing that the issuance of said permit for a solar energy system 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 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 or the right to prohibit the development on or growth of any trees or vegetation on such property.

#### SECTION 5: SEVERABILITY

If any sentence, clause, phrase or section 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, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

#### SECTION 6: REPEALER AND APPLICABILITY

Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed. This Ordinance and the Public Safety Communication in Building Coverage Ordinance Guideline document shall supersede any ordinance or resolution, or parts of any ordinance or resolution of any municipality to the extent the ordinance or resolution does not meet or exceed the terms thereof.

#### SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

#### SECTION 8: ENACTMENT

Upon enactment, this Ordinance shall be incorporated into and become a part of Chapters 31, Section 31-200, and 39, Part 3, Section 39-322, of the Code of the Township of Southampton, Franklin County, Pennsylvania.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

ATTEST:

**SOUTHAMPTON TOWNSHIP  
BOARD OF SUPERVISORS**

Samuel Cressler, Chairman

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Randy Brenize

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Roger Hall