

ORDINANCE NO. 2023-01

AN ORDINANCE REGULATING THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF SOLAR ELECTRIC ENERGY FACILITIES.

AND NOW, the Board of Supervisors of Greenfield Township, Blair County, (hereinafter "Township") hereby ordains the following:

Section 1. Title:

This Chapter shall be known as the "Greenfield Township Solar Electric Facility Ordinance."

Section 2. Purpose:

The purpose of the Ordinance is to provide for the construction, installation, operation and decommissioning of Solar Electric Energy Facilities in Greenfield Township, subject to reasonable conditions that will protect the public health, safety and welfare.

Section 3. Definitions:

- A. "Applicant" means any Landowner or Developer, including 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 facility that has a main purpose of generating and supplying electricity and that 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. These facilities shall not include Solar Electric Energy Systems meant for on-site residential or commercial use.

Section 4. Applicability:

- A. This Ordinance applies to any Solar Electric Energy Facility built on 2 acres or more proposed to be constructed after the effective date of the Ordinance.
- 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 Greenfield Township unless a permit has been issued to the Facility Owner or Operator approving the construction of the Solar Electric Energy Facility under this Ordinance.
- B. The permit application or amended permit application shall be accompanied with a fee amount as per updated Township rate resolution. The review fees will be forwarded to the Applicant from the Township Engineer.

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").
 - 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.
 - 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 related to decommissioning, including a schedule for decommissioning.

6. Other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by the Township to ensure compliance with this Ordinance.
- C. Within thirty (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
- D. Within sixty (60) days of a completeness determination, the 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, the Township will make a decision whether to issue or deny the permit application.
- F. Throughout the permit process, the applicant shall within 7-10 business days notify the 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), Institute of Electrical & Electronic Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Energy Technology List (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 relate 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. Warnings:
1. A Solar Electric Energy Facility shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property.
 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.

Section 8. Buffer Distances:

- A. Property lines: All Solar Electric Energy Systems shall be located 50 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.
- C. Inside the fence there needs to be a circulation pattern available for public safety vehicles if needed.

Section 9. Decommissioning:

- A. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Solar Energy Facility, or individual Solar Collectors, within twelve (12) months after the end of the useful life of the Facility or individual solar collectors. The Solar Energy Facility or individual Solar Collectors will presume 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 Solar Collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads, storm water facilities or other land surface areas not be restored.
 1. If the landowner(s) waives the reclamation clause, they must also agree to assume responsibility for all permitted facilities with the appropriate regulatory agency. Copies of approved permit transfers must be provided to the Planning Commission.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net

- Decommissioning Costs"). Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.
- E. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the County. These funds must be posted before construction begins on the proposed project.
 - F. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Subsection 9.- Decommissioning (a), then the landowner shall have six (6) months to complete decommissioning.
 - G. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Subsection 9. – Decommissioning, (a) and (g) the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, the irrelative heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan.
 - H. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Planning Commission concurs that decommissioning has been satisfactorily completed, or upon written approval of the County in order to implement the decommissioning plan.
 - I. In the event of sale or transfer of the Solar facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

Section 10. Remedies:

- A. It shall be unlawful for any entity public or private 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, the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law or in equity to ensure compliance.
- C. In addition to any other provision in this or any other Ordinance, for each violation of this Ordinance, a penalty of not more than the statutorily permitted maximum may be imposed. Such fines, penalties and associated costs will be collected as allowed by law.
- D. Any violation of this Ordinance shall be considered a separate infraction for each day that such violation continues.

Section 11. Effective Date:

This Ordinance shall take effect on the earliest date provided by law.

ORDAINED AND ENACTED as and Ordinance of the Board of Supervisors of Greenfield Township, Blair County, Pennsylvania, at a meeting of said Board of Supervisors held on the 5th day of July, 2023.

GREENFIELD TOWNSHIP ✓

By: J. C. Oldham
Jordan C. Oldham Chairman
Joseph D. Claar
Joseph D. Claar Vice-Chairman
Alex Musselman
Alex Musselman Supervisor

ATTEST:

Ami Fether
Secretary

