

Walker Township
Juniata County, Pennsylvania
Ordinance No. 2024 - _____

**AN ORDINANCE OF WALKER TOWNSHIP, JUNIATA COUNTY,
PENNSYLVANIA, REGULATING USES OF SOLAR ENERGY SYSTEMS
AND ACCESSORY STRUCTURES**

WHEREAS, Section 1506 of the Second-Class Township Code authorizes Walker Township Board of Supervisors (“Township”) to adopt ordinances necessary for the proper management, care and control of the Township and the health and welfare of the Township and its citizens; and

WHEREAS, Walker Township seeks to promote the general health, safety and welfare of the community by adopting and implementing and better providing for and regulating the uses of solar energy systems within the Township; and

NOW, THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Walker, Juniata County, Pennsylvania, and it is enacted and ordained as follows:

Section 1. Purpose

This Ordinance Regulating the Uses of Solar Energy Systems and Accessory Structures is adopted to advance and protect the public health, safety and welfare of the citizens of Walker Township by creating regulations for the installation and use of solar energy systems and accessory structures, with the following objectives:

- (A) To create harmony between the private landowners of Walker Township and possible incoming solar energy companies that are looking to develop within Walker Township;
- (B) To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife, waterways, and other protected resources;
- (C) To encourage a sense of pride in the Township and allow residents, farms, businesses, and possibly the local government to take advantage of the potential financial benefits of solar energy systems and;
- (D) To diversify personal and community energy resources by allowing the freedom to install solar energy systems and accessory structures to help reduce energy costs.

Section 2. Definitions.

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 of solar energy

1. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.
2. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.
3. SOLAR ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.

ACCESSORY SOLAR ENERGY SYSTEMS (ASES): An area of land or other area used for a solar energy 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. Ground-mounted or freestanding Solar Energy Systems with an output size of not greater than 10kw shall be considered Accessory Solar Energy Systems. Roof-mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output. 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 powers or fuels.

AGRIVOLTAICS: The co-development of the same area of land for both solar photovoltaic power and conventional agriculture.

GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

PRINCIPAL SOLAR ENERGY SYTEM (PSES): 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 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 infrastructure, transmission lines and other appurtenant structures.

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

SOLAR ENERGY SYSTEM: An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power. This shall include all other accessory structures related to the Solar Energy System including buildings, structures, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SOLAR PANEL: That part or portions 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 PROJECT AREA: The total area of land including the Principal Solar Energy System, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads. The Solar Project Area does not include any area outside of the fenced facility set aside for agriculture uses and designed to be adequate for the maneuverability of typical farm equipment.

SECTION 3. Regulations.

(A) **Accessory solar energy systems (ASES).** The following regulations are applicable to ASES.

1. Permits requirements.

- a. Building permit applications shall document 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.
- b. The building permit shall be revoked 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.
- c. 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 being detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, The Township, or its authorized agent, shall give written notice specifying the violation to the owner of the ASES and directing the owner to conform or to remove the ASES.
- d. ASES shall be permitted as an accessory use in all Zoning Districts.

(B) Regulations applicable to roof-mounted and wall-mounted ASES:

1. A roof-mounted or wall mounted ASES may be located on a principal or accessory building.
2. ASES mounted on roofs of any building shall be subject to the maximum height of (6) six feet above the roof.
3. Wall-mounted ASES shall be (12) twelve feet from any property line.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. For roof-mounted 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.

(C) Regulations applicable to ground mounted ASES:

1. The minimum yard setbacks must be (20) twenty feet all around from the property line or right-of-way.
2. Ground-mounted ASES shall not be located in the front yard.
3. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than (15) fifteen percent of the lot area.
4. Ground-mounted ASES shall not exceed (15) fifteen feet in height above the ground elevation surrounding the systems.
5. 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. 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 in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

- (D.) Principal solar energy systems (PSES). The following regulations are applicable to PSES.
1. Plan Requirements. A report and plan highlighting the existing conditions of the property shall be included in the submission to the municipality. The information should highlight existing vegetation, topography, and other existing natural features.
 - a. Ground-mounted PSES do require submission of a land development plan in accordance with the Walker Township Subdivision and Land Development Ordinance.
 - b. Roof-mounted PSES do not require submission of a land development plan.
 2. Permit Requirements.
 - a. PSES shall comply with the Walker Township Subdivision and Land Development Ordinance requirements through submission of a land development plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulation.
 - b. 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.
 - c. A Noise Study is required at the owner's expense and shall not exceed a maximum of (60) dBA during the daytime hours and (55) dBA during the nighttime hours.
 - d. A Glare Study is required at the owner's expense.
 3. Decommissioning. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the municipality secure its obligations under this Ordinance.
 - 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 said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of 20%. The decommissioning cost estimate formula shall be: $\text{Gross Cost of Decommissioning Activities} + \text{Administrative Factor of 25\%} - \text{Salvage and Resale Credit of 80\%} = \text{Decommissioning Cost Estimate}$.
 - b. On every 5th anniversary of the date of providing the decommissioning financial security, the PSES owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the PSES owner shall remit the increased financial security to the Township within (30) thirty 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 municipality for such review.
 - d. At no time shall the financial security be an amount less than (\$400,000) four hundred thousand dollars.
 - e. The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S & P, Moody's, or AM Best, as applicable.
 - f. Prior to approval of any plan or permit for a PSES, the PSES developer shall enter into a Decommissioning Agreement as to the decommissioning of PSES.
 4. Environmental Protection.

- a. All PSES shall be set back 100 feet from a property listed on, eligible for listing on, the National Register of Historic Places as designated by the State Historic Preservation Office of the National Park Service.
5. Ground mounted PSES shall be adequately screened from adjoining residential structures with an (8) eight-foot privacy fence. If Solar Panels run along a road or property the setback is 50 feet. Solar Panels must be 100 feet from property line of any adjoining residential dwelling. Privacy screening/fencing for adjoining properties will be at the discretion of the Township. Landscaping must be maintained. Grass must be kept cut and cannot be over 18" inches high.
6. Fencing.
 - a. The fencing setback shall be the edge of the right-of-way or no less than (10) ten feet off the edge of the pavement.
7. PSES shall not be placed within any legal easement or right-of-way location or be place within any stormwater conveyance system or in any manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance.
8. Security.
 - a. All ground-mounted PSES shall be completely enclosed by a minimum of (8) eight-foot-high fence. The fence shall meet setback requirements noted in this section.
 - 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 PSES informing individuals of potential high voltage.
9. Access.
 - a. At a minimum, a (20) twenty-foot-wide access road must be provided from the state or municipal roadway into the site. Access points must be designed to accommodate the largest construction traffic that will be entering the site.
 - b. Between the solar arrays and the fence, an emergency access drive shall be provided to allow access for maintenance vehicles and emergency management. The width of this drive shall be (20) twenty feet in width. Emergency access drive width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
 - c. Access to the PSES shall comply with the access requirements in the Walker Township Subdivision and Land Development Ordinance.
 - d. All access points, whether temporary or permanent shall be required to obtain a PennDOT or Township Roadway Occupancy Permit.
10. PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority. This shall include any indicator lights/beacons, which shall not be visible beyond the property line of the project site, whether solid or flashing.
11. Roof-mounted and wall-mounted PSES.
 - a. For roof-mounted and wall- mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the adopted building code of the Township and that the roof or wall is capable of holding the load imposed on the structure.
 - b. PSES mounted on the roof of any building shall be subject to the maximum height regulations of (6) six feet.
12. Agrivoltaics are permitted subject to the following:
 - a. Only shade-tolerant crops are permitted.
 - b. Plowing is prohibited; no-till application is required
 - c. Cutting or mowing is limited to a height of no less than (4) four inches and a maximum of (18) eighteen inches.

d. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs of the crop(s).

(E.) All solar energy systems. The following regulations apply to all solar energy systems, including principal solar energy systems (PSES) and accessory solar energy systems (ASES).

1. Solar energy systems constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this Ordinance that materially alters the solar energy system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
2. The solar energy system layout, design and installation 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 other similar certifying organizations, shall comply with the PA Uniform Construction Code as enforced by the 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.
3. Upon completion of installation, the solar energy system shall be maintained in working order in accordance with standards of the Walker Township codes under which the solar energy system was constructed. Failure of the property 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.
4. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
5. Glare.
 - a. All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
6. No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
7. Prior to the issuance of a permit, the solar energy system applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property, it's, his, her, or their successors 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.

This acknowledge shall be submitted to the municipality and placed on any required subdivision and/or land development plans.

8. Decommissioning.
 - a. The solar energy system owner shall 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 for (6) six continuous months.

- b. The solar energy system owner shall have (12) twelve months from abandonment or decommission in which to dismantle and remove the solar energy system including solar related equipment or appurtenance related hereto, 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 solar energy system within the established timeframes the municipality may complete decommissioning at the owner's expense and place a lien against the property if those expenses are not reimbursed to the Township.
 - c. 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) twelve months.
9. Stormwater requirements.
- a. Stormwater management for the solar energy system shall be accordance with the Walker Township Stormwater Management Ordinance and the Pennsylvania Department of Environmental Protection (DEP) FAQ Documents entitled "Chapter 102 Permitting for Solar Panel Farms", dated January 2, 2019, as applicable and as most recently revised. In the event that criteria within the PA DEP FAQ document discussed above cannot be fully met, a detailed stormwater analysis including post-construction stormwater management (PCSM) and BMP requirements will be required.
 - b. The individual solar modules within an array shall be arranged in the following fashion:
 - i. Individual solar modules shall be arranged in a fashion that allows the passage of runoff between each module, minimizing the creation of runoff, and
 - ii. Individual solar modules shall not exceed (1) one meter in width to allow for adequate vegetative cover to be established and maintained.
 - c. The Township does not consider the solar panels as an impervious surface.

SECTION 4. Inspections. The Township or authorized agents shall have the authority to cause plans, structures, lots or system components to be inspected, examined or reviewed for any ASES or PSES to determine whether or not they are in conformity with the provisions of this Ordinance.

SECTION 5. Enforcement. Any person who violates or permits a violation pursuant to this Ordinance shall, upon conviction in a summary proceeding brought before the Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, including attorney's fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not to exceed 90 days. Each five-day continuance of a violation of the provisions of this chapter shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

SECTION 6. Repealer. All provisions of previous Ordinances of Walker Township which are contrary to this Ordinance are expressly repealed.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this _____ day of _____, 2024.

ATTEST:

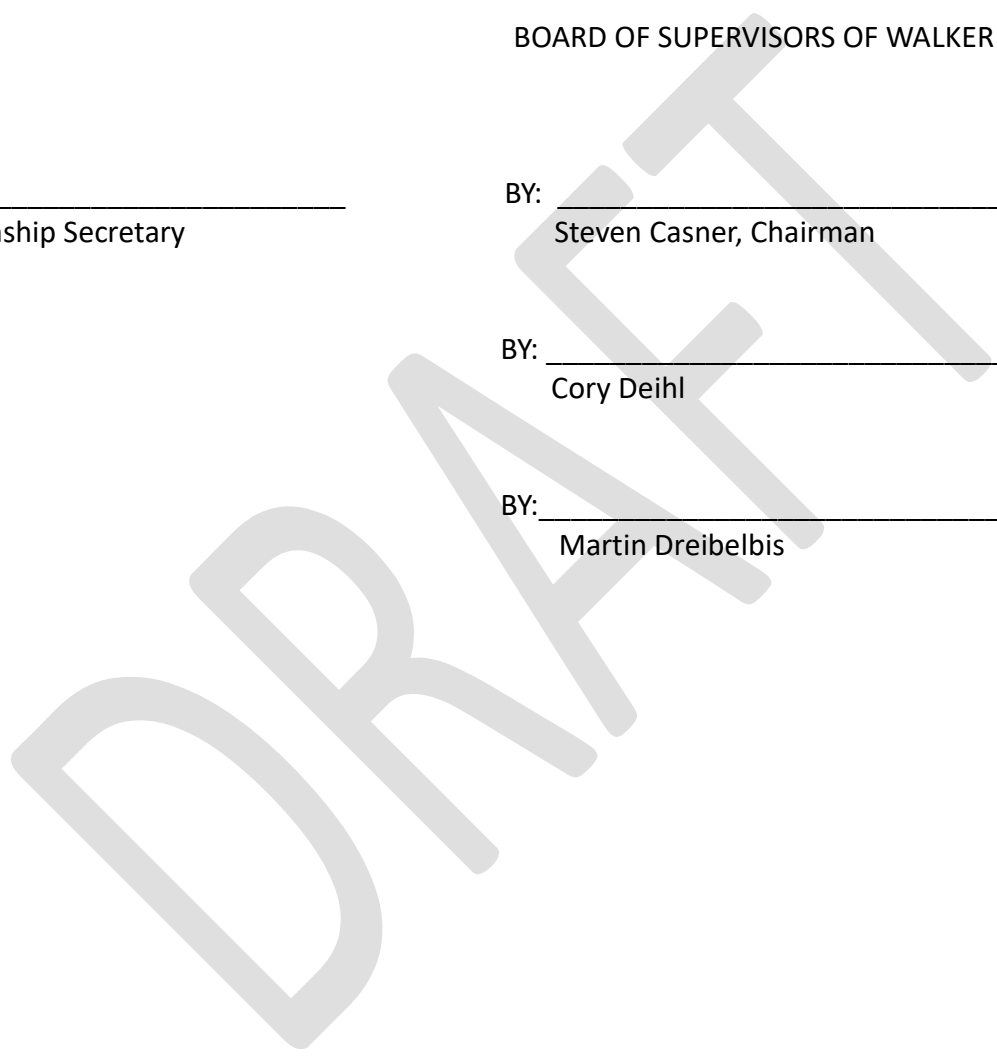
BOARD OF SUPERVISORS OF WALKER TOWNSHIP

Walker Township Secretary

BY: _____
Steven Casner, Chairman

BY: _____
Cory Deihl

BY: _____
Martin Dreibelbis



CERTIFICATE

I, THE UNDERSIGNED, Secretary of the Township of Walker, Juniata County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly enacted by affirmative vote of a majority of the members of the Board at a meeting held on _____, 2024; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly being published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this _____ day of _____, 2024.

(SEAL)

Secretary