

- ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated; and
 - iv. 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.
- c. If required, a PSES 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).

9. Environmental Protection.

- a. All PSES shall be set back 300 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.

10. 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.

11. 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.

12. 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.

13. Lighting.

- a. 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.

14. Agrivoltaics.

- a. Agrivoltaics are permitted subject to the following:
 - 1. Only shade tolerant crops are permitted;
 - 2. Plowing is prohibited; no-till application is required
 - 3. Cutting or mowing is limited to a height of no less than four (4) inches and a maximum of eighteen (18) inches
 - 4. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs of the crop(s).

B. Regulations applicable to roof or wall mounted PSES.

- 1. 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 is capable of holding the load imposed on the structure.
- 2. PSES mounted on the roof of any building shall be subject to the maximum height regulations of (6) six feet.

C. Regulations applicable to Ground Mounted PSES.

- 1. Ground mounted PSES shall be adequately screened from adjoining residential structures with an (8) eight-foot privacy fence.
- 2. If Solar Panels run along a road or property the setback is 100 feet.

3. Solar Panels must be 300 feet from property line of any adjoining residential dwelling, unless the owner thereof has provided a written waiver consenting to the PSES being closer than 300 feet.
4. Privacy screening/fencing for adjoining properties will be at the discretion of the Township.
5. Landscaping must be maintained.
6. Grass must be kept cut and cannot be over 18" inches high.
7. A ground-mounted PSES shall not be located in any area within 500 feet measured horizontally from a building which is owned by a school district or school and used for instruction purposes, a park or a playground unless the owner of such feature has provided a written waiver consenting to the PSES being closer than 500 feet.

SECTION 5. ALL SOLAR ENERGY SYSTEMS.

- A. The following regulations apply to all solar energy systems, including principal solar energy systems (PSES) and accessory solar energy systems (ASES).
- B. 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.
- C. 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.
- D. 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.

- E. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- F. 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.
- G. 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.
 - c. This acknowledgement shall be submitted to the municipality and placed on any required subdivision and/or land development plans.
- H. 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 be larger than industry standards at the time of procurement. Further, solar modules shall allow sufficient space between modules to allow for water to pass between them to support a proper vegetative cover to avoid erosion.
 - c. The Township does not consider the solar panels as an impervious surface.