

TOWNSHIP OF FORKS
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 315

AN ORDINANCE: AMENDING CHAPTER 175, SUBDIVISION AND LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF FORKS, ESTABLISHING REGULATIONS FOR ROOF INSTALLATION AND GROUND ARRAY INSTALLATION OF NON-RESIDENTIAL SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE TO A LAWFUL NON-RESIDENTIAL USE IN ANY ZONING DISTRICT, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of the Township of Forks has determined that:

1. Solar energy is an abundant, renewable, and nonpolluting energy resource;
2. Converting solar rays to electricity or heat will help to reduce the Township's dependence on nonrenewable energy resources and decrease air and water pollution resulting from the use of conventional energy sources;
3. Solar energy systems will help to reduce peak power demands from the electric power grid and help diversify the Commonwealth's energy supply portfolio; and
4. Solar energy systems promote competition in the electricity supply market by promoting customer choice; and

WHEREAS, The Board finds that it is appropriate to standardize the requirements for non-residential solar energy systems, so that this clean, renewable energy resource can be utilized in a cost-effective and appropriate manner in Forks Township.

NOW, THEREFORE, pursuant to the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended it is hereby ordained and enacted by the Forks Township Board of Supervisors as follows:

Section 1. Primary Purpose. The primary purpose of a residential solar energy system and/or non-residential solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a residential solar energy system or non-residential solar energy system designed to meet the energy needs of the principal use. For the purposes of this ordinance, the sale of

excess power shall be limited, so that in no event is an energy system generating more energy for sale than what is otherwise necessary to power the principal use on the property.

Section 2. Definitions. §175-15 of Chapter 175 Subdivision and Land Development, of the Code of the Township of Forks is amended by the addition of the following definitions:

NON-RESIDENTIAL SOLAR ENERGY SYSTEM – a solar energy system allowed as an accessory use to a lawful non-residential use in any zoning district.

RESIDENTIAL SOLAR ENERGY SYSTEM – a solar energy system allowed as an accessory use to a lawful residential use in any zoning district.

SOLAR ENERGY SYSTEM – means a solar energy system and all associated equipment which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels.

SOLAR PANEL – a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy, heat water, or produce hot air or perform any other similar function by way of a solar energy system.

Section 3. Additional Land Development Requirements.

- (a) §175-45 of Chapter 175 Subdivision and Land Development of the Code of the Township of Forks is amended by the addition of a new subsection E, which shall provide as follows:

“E. Non-Residential Solar Energy Systems. H-16 Non-Residential Solar Energy Systems are allowed as an accessory use to a lawful non-residential use in any zoning district, subject to the following design standards:

- (1) Non-Residential Solar Energy Systems are permitted as a rooftop installation and also as a ground array. For rooftop installations, the following provisions shall apply:
- (a) The solar panels shall not exceed the height of the roof line on a pitched roof. On a flat roof, the solar panels shall be angled such that they are not more than three feet above the roof line, and the height of the solar panels shall not exceed the height requirement for the non-residential district in which the non-residential solar energy systems are located.

- (b) For any solar panel to be constructed on the rooftop of a new building or structure, the applicant must demonstrate that the solar panels are not visible from the ground level of any neighboring property within one thousand feet of the nearest proposed rooftop solar panel.
- (2) For ground arrays, the following provisions shall apply:
- (a) Ground arrays shall not exceed a height of fifteen (15) feet above the ground.
 - (b) Ground arrays are subject to the setback distances prescribed for any structure for the non-residential zoning district in which the ground array is to be constructed.
 - (c) All ground arrays shall be enclosed by fencing in order to provide for the security and safety of the solar energy system and the public.
 - (d) Applicant must make reasonable provisions for emergency lighting for purposes of security and safety.
- (3) The following design requirements are applicable to both rooftop solar panel installations and ground arrays.
- (a) Any glare from a solar panel shall be directed away from an adjoining property.
 - (b) The installation of a solar energy system shall conform to the extent applicable, to the Pennsylvania Uniform Construction Code, as amended, regulations, if any, adopted by the Pennsylvania Department of Labor and Industry, and to applicable industry standards, including those of the American National Standards Institute. Manufacturer's data and certificates of design compliance shall be submitted with the land development plan.
 - (c) Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall any identification be visible from a property line.
 - (d) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

- (e) The applicant shall demonstrate that reasonable efforts have been taken to avoid any disruption, interference with, or loss of radio, telephone, television or similar signals and shall mitigate any such harm caused by the non-residential solar energy system.
- (4) (a) The facility owner and operator of a ground array Non-Residential Solar Energy System shall, at its expense, complete decommissioning of the facility within six (6) months after the facility is abandoned or at the end of its useful life. Such a facility will be presumed to be abandoned or at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- (b) Decommissioning shall include the removal of the ground array Non-Residential Solar Energy System and any other associated facilities and the cleaning and restoration of the site.
 - (c) If the decommissioning has not been completed within said six (6) month period, then the Township shall give written notice to the landowner and/or facility owner and operator, to accomplish the decommissioning within thirty (30) days.
 - (d) If the decommissioning has not been completed within thirty (30) days of said written notice by Township, then Township may accomplish said decommissioning and charge the landowner and/or facility owner and operator for all the costs and expenses, including reasonable attorney's fees for collection.

Section 4. Enforcement; Remedies. The enforcement and remedies provisions of Chapter 175 Subdivision and Land Development, of the Code of the Township of Forks shall apply in all respects to the provisions of this ordinance.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6. Validity. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

