

RIDGWAY TOWNSHIP ORDINANCE NO. 120

**AN ORDINANCE OF RIDGWAY TOWNSHIP WHICH AMENDS TOWNSHIP ORDINANCE NO. 116 (RELATING TO COMPREHENSIVE REZONING) TO DEFINE SOLAR ELECTRIC ENERGY SYSTEMS AND SOLAR ELECTRIC ENERGY FACILITIES, TO SPECIFY REQUIREMENTS AND REGULATIONS FOR THE ZONING APPROVAL OF SUCH SYSTEMS OR FACILITIES IN VARIOUS TOWNSHIP ZONING DISTRICTS, TO PROVIDE FOR THE DECOMMISSION AND DISMANTLING OF EQUIPMENT ASSOCIATED WITH SUCH SYSTEMS OR FACILITIES, TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF, AND TO SPECIFY AN EFFECTIVE DATE FOR THIS AMENDATORY LEGISLATION TOGETHER WITH APPLICABILITY OF THE SAME.**

WHEREAS the Township of Ridgway (“the Township” or “the Governing Body”) previously adopted a Comprehensive Zoning Ordinance (No. 116) on 1-31-2019, with the same effective 5 days following such adoption;

WHEREAS the Township now desires to amend No. 116 as outlined more fully below to provide for the processing and disposition of zoning permit applications which seek solar electric energy generating and distribution activities in the Township;

WHEREAS the Township desires to exclude from the operation of the present ordinance homeowner construction using solar energy;

AND WHEREAS the Township intends to comply and has complied prior to adoption of this ordinance with all relevant public notice and public hearing requirements contained in §§609 and 610 of the Pennsylvania Municipal Planning Code (“MPC”), codified at 53 PS §§10609 and 10610, as well as §§7.00 and 7.03 of No. 116 (relating to procedural requirements for desired zoning amendments to be made by the Governing Body and advertising requirements, respectively);

NOW, THEREFORE, be it ordained, and the same is ordained following public hearing conducted the 4<sup>th</sup> day of October, 2021, at 7 o’clock p.m. and held pursuant to public notice, that No. 116 is amended as follows:

**SECTION A: DEFINITION AMENDMENTS:**

Article III, §3.01 (relating to Definition of Terms) is amended at page 24 to add the following definitions:

- “Solar electric energy system”: 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 with above-ground solar collection panels or grids.

- “Solar electric energy facility”: An electric generating facility, whose main purpose is to generate and supply electricity and 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. Such facility shall not include a homeowner’s construction using solar energy for use in that residence only. An “Applicant” for a zoning permit seeking approval for a solar electric energy facility or a solar electric energy system is the landowner or developer and includes his, her or their heirs, successors and assigns who have filed an application for development and use of such facility or system. “Facility or system owner” means the person or entity having an equity interest in the solar electric energy facility or solar electric energy system, including his, her or their heirs, successors or assigns. The “Operator” of a solar electric energy facility or solar electric energy system means the entity responsible for the day-to-day operation and maintenance of such facility or system.

SECTION B: ZONING MATRIX REVISION ADDRESSING USES BY ZONING DISTRICTS FOR A SOLAR ELECTRIC ENERGY FACILITY OR A SOLAR ELECTRIC ENERGY SYSTEM:

The zoning matrix appearing at pages 100-103 of No. 116 is amended at page 103 (and to appear in alphabetical order on that page) to allow consideration of zoning applications for a solar electric energy facility or a solar electric energy system in zoning districts RA, CH and I by special exception procedure (“S”) requiring zoning approval by the Township’s zoning hearing board and consistent with Special Use Regulations for such proposed uses appearing in §C, below.

SECTION C: SPECIAL USE REGULATIONS APPLICABLE FOR ZONING HEARING BOARD’S SPECIAL EXCEPTION CONSIDERATION OF ZONING APPLICATIONS FOR A SOLAR ELECTRIC ENERGY FACILITY OR A SOLAR ELECTRIC ENERGY SYSTEM IN ZONING DISTRICTS RA, CH AND I:

Article V, §5.22 (relating to Special Use Regulations) is amended at page 74 to add a new subsection as follows:

- “(4) Solar Electric Energy Facilities and/or Solar Electric Energy Systems shall be allowed as a special exception in the RA, CH and I zoning districts subject to the following to be established by the applicant, facility owner, or operator of the proposed solar electric energy facility or solar electric energy system:

(a) Required Document Submissions for the Proposed Use:

- (i) A written narrative describing the proposed solar electric energy facility or system, including an overview of the project; project location; the approximate generating capacity of the solar electric energy facility or system, the approximate number, representative types and height or range of heights of solar panels/grids or other solar electric system equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities and/or improvements.
- (ii) An affidavit or similar evidence of agreement between the Landowner of the real property on which the solar electric energy facility or solar electric energy system is to be located and the Facility or System Owner, demonstrating that the Facility or System Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the solar electric energy facility or solar electric energy system.
- (iii) Identification of the properties or portions thereof on which the proposed solar electric energy facility or solar electric energy system will be located, and the properties adjacent to where such facility or system will be located.
- (iv) A site plan showing the intended location of each solar electric energy facility property line, setback line, access road and turnaround location, substation, electrical cabling from the solar electric energy system to the substation, 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.
- (v) Documents relating to decommissioning, including a schedule and timetable for decommissioning, removing solar panels, and other items referenced in subsection d, below.

(b) Design and Construction:

- (i) 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 the Underwriters Laboratories (UL), IEEE, the Solar Rating and Certification Corporation (SRCC), or other similar certifying organizations.

(ii) Uniform Construction Code: The solar electric energy facility and the solar electric energy 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 Uniform Construction Code, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.

(iii) Visual appearance: Power Lines

- 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.
- Solar electric energy facilities shall not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner.
- Onsite transmission and power lines shall, to the maximum extent practical, be placed underground.

(iv) Warnings:

- 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.
- Clearly visible warning signs shall be placed on the fence, barrier or solar electric energy facility perimeter to inform individuals of potential voltage hazards.

(c) Setbacks/Traffic and Public Safety:

- (i) Property lines: All solar electric energy systems shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification where the system is located. The setback distance shall be measured from the closest edge of the solar electric energy system to the property line.
- (ii) Traffic and Public Safety: Solar electric energy facilities and solar electric energy systems shall be sited in such a way that they present no threat to pedestrian or motor vehicle traffic or to public safety.

(d) Decommissioning:

- (i) The facility owner and operator shall, at their sole expense, complete decommissioning of the solar electric energy facility or individual solar electric energy systems within 6 months after the end of the useful life of such facility or system. A solar electric energy facility or system will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Upon written request from the Governing Body or the Township's Zoning Officer directed to the facility or system owner or the facility or system operator ("the request"), such facility or system owner or operator shall within 20 days supply documentary evidence reflecting electricity generated by the system or at the facility for the 12 months prior to the date of the request.
- (ii) Decommissioning shall be completed no later than 6 months following the governing body or the Zoning Officer's receipt of documentation that no electricity has been generated for a continuous period of 12 months – per subpart (i) above – or upon the failure of the facility owner or system operator to supply documentation responsive to the request within 20 days. Decommissioning shall include removal of all solar electric energy systems, solar collection panels or grids, buildings, cabling, electrical components, roads, foundations and any other associated facilities.

- (iii) Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access road or other land surface areas not be restored.”

SECTION D: APPLICABILITY:

This amendment shall apply to any solar electric energy facility or any solar electric energy system which individually or in combination constitutes 2 acres or more and proposed to be constructed after the effective date of this amendment. A solar electric energy facility or a solar electric energy system which has been completely constructed prior to the effective date of this amendment shall not be required to meet the requirements of this amendment; provided that any physical modification or alteration to an existing solar electric energy facility or solar electric energy system that materially alters the size, type or components of such system or facility shall require zoning approval in a special exception format and utilizing all relevant Special Use Regulations set forth in this amendment. Routine operation and maintenance or like-kind replacements do not require special exception zoning approval.

SECTION E: SEVERABILITY:

The provisions of this ordinance and amendment shall be severable, and if any of these provisions shall be held or declared invalid, illegal, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provisions of this ordinance and amendment shall not be affected. It is hereby declared as the legislative intent that this ordinance and amendment would have been adopted had such unconstitutional provision(s) not been included herein.

SECTION F: REPEALER:


All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action occurred or existing under any ordinance repealed by this ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION G: EFFECTIVE DATE:

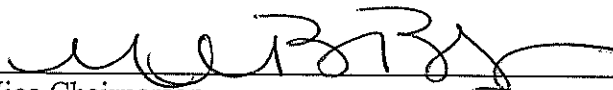
This amendment shall take effect 5 days following final adoption of the same by the Governing Body.

Adopted as an amendment to Ordinance No. 116 by the Governing Body of Ridgway Township pursuant to MPC public notice and public hearing requirements on the aforementioned date and by votes as follows:


VOTE

  
\_\_\_\_\_  
Chairperson  
Print Name: CHRIS Klase

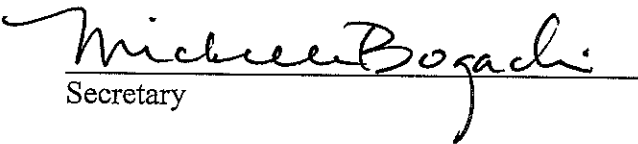
Yes/ No

  
\_\_\_\_\_  
Vice Chairperson  
Print Name: MICHAEL B BEAVER

Yes/ No

  
\_\_\_\_\_  
Member  
Print Name: MILLY BOWERS

Yes/ No

  
\_\_\_\_\_  
Secretary

