OXFORD TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-139

AN ORDINANCE OF OXFORD TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA PROVIDING FOR SOLAR ENERGY SYSTEMS IN OXFORD TOWNSHIP

SECTION 1 - Introduction

WHEREAS, Oxford Township (the "Township") seeks to promote the general health, safety and welfare of the community by adopting and implementing an Ordinance to provide for access to and use of solar energy systems; and

WHEREAS, the purpose of this Ordinance is to set forth requirements for solar energy systems;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Oxford Township, Adans County, Pennsylvania, as follows:

SECTION 2 – Definitions

ACCESSORY SOLAR ENERGY SYSTEM (ASES) – (typically referred to as residential solar, but does not rule our commercial installations) An area of land or other area used for a solar collection system that is an accessory use on the property. An accessory solar energy system consists of one (1) or more free-standing ground, roof mounted or wall mounted solar arrays or modules, or solar related equipment.

DECOMMISSIONING PLAN – A document on file with the Adams County recorder of deeds and/or the Township detailing the steps that will be taken to decommission a Principal Solar Energy System (PSES) and the amount, form and timing of financial assurance.

GLARE – The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. An annoyance, discomfort, or loss in visual performance and visibility may be caused be green, yellow or red glare depending on the duration and frequency of the glare.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES)(typically referred to as solar farms or commercial solar facilities) – An area of land or other area used for a solar collection system that is the primary use on the property. 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, inverters, transformers, substations, electrical infrastructure, battery storage, on-site transmission lines and other appurtenant structures. Off-site transmission lines will not be considered part of

the PSES for the purposes of zoning applications, but must be shown on land development plans submitted for approval.

SOLAR EASEMENT – A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

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

SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells of 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 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 ARRAY – A grouping of multiple solar panels with the purpose of harvesting solar energy.

2. SOLAR CELL – The smallest basic solar electric devise which generates electricity when exposed to light.

3. SOLAR MODULE – A grouping of solar cells for the purpose of harvesting solar energy.

SECTION 3 – Accessory Solar Energy Systems (ASES)

A. Regulations Applicable to all ASES:

1. ASES shall be permitted as an accessory use by right in all zoning districts. ASES that cover greater than 300 square feet shall comply with the requirements of Section 4 – Principal Solar Energy System.

2. Exemptions

a. Roof Mount and Wall Mount ASES are exempt from this ordinance.

b. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES, whether or not existing prior to the effective date of this section, must adhere to the provisions in § 403.42 of the Uniform Construction Code concerning permit requirements and exemptions.

3. ASES Design Standards

   a. ASES shall be permitted in any side or rear yard. Wall-Mounted ASES, however, may be mounted on any portion of the structure.

   b. No Ground-Mounted ASES shall exceed a height of twenty (20) feet.

   c. Upon installation, the ASES shall be maintained in good working order in accordance with standards of the Township provisions under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement action by the Township. The Township may perform the services required and charge the owner appropriate fees or costs. Nonpayment of these fees or costs may result in a municipal lien against the property.

   d. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

   e. Solar panels shall be located to minimize glare on adjacent properties or streets. The Township may require reasonable corrective actions after installation of the ASES to eliminate glare to adjacent residences or streets which causes a risk to public health or safety.

   f. All on-site transmission lines shall be attached flush to the solar array racking system or placed underground to the extent feasible. Any off-site transmission lines must be placed within legal rights-of-way, and proof of the right-of-way shall be provided to the Township prior to land development plan approval. Privately owned off-site transmission lines proposed to be in a public street right-of-way shall require Township approval and a right-of-way agreement with provisions indemnifying the Township from all liability related to the transmission lines.

   g. 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 detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

   h. Each ASES and all other solar related equipment shall be removed within 12 months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.

   i. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of six continuous months.

j. Ground-Mounted ASES and their solar-related equipment, shall be included in the lot coverage calculations. However, an ASES shall not be considered as impervious area so long as impervious materials are not used under the panels.

k. ASES can be located within five (5) feet of a side or rear property line provided that no portion of the structure or architectural features needed for operation of the system projects over the property line; and its location does not interfere with sight distance at street intersections.

l. The property owner shall demonstrate compliance with the Township Stormwater Management Ordinance, Chapter 26 Part 1 of the Code. ASES owners are encouraged to use low-maintenance and/or low-growing native species and pollinators under the system as a best management practice for stormwater management, or other acceptable vegetation and/or pollinators acceptable to the Township.

m. No grass or weeds shall be permitted at any time to exceed 12 inches in length or height from the surfaces under or surrounding the ASES. Any noxious weeds, as listed on Pennsylvania's Noxious Weed Control List (as amended), shall be immediately eradicated and removed.

n. If a ground-mounted ASES is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be returned to an environmentally stable condition. All development, including but not limited to panels, fencing, roadways and placement of aggregate, shall be removed unless other arrangements have been approved by the Township in writing.

o. Zoning/building permit applications shall document compliance with this section 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.

p. The zoning/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 these provisions.

SECTION 4 – Principal Solar Energy Systems (PSES)

A. All PSES must adhere to the following performance standards:

1. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this section must adhere to the provisions in § 403.42 of the Uniform Construction Code concerning permit requirements and exemptions.

2. A PSES shall be a conditional use in the Industrial Zone and shall meet the standard for a Special Exception as set forth in Section 27-807 of the Township Zoning Ordinance as well as the requirements herein.

3. No person shall install or construct a PSES without first obtaining approval pursuant to the plan review procedures of Chapter 22 of the Code, Subdivision and Land Development.

4. The PSES layout, design and installation shall conform to good industry practice. "Good industry practice" shall mean the practices, methods, standards, and acts (engaged in or approved by a significant portion of the solar power industry for similar facilities in similar geographic areas that are similar in size and complexity) as the same may change from time to time, that, at a particular time, in the exercise of reasonable professional judgment in light of the facts known at the time a decision was made, would have been expected to accomplish the desired result in a manner consistent with applicable law, regulation, codes, good business practices, reliability, safety, environmental protection, economy, expedition, and shall comply with the PA Uniform Construction Code and with all other applicable fire and life safety requirements.

5. The land development plan shall include a construction transportation plan that shows all roadways that will be utilized to access the site, which shall be forwarded to the Township for review and approval.

6. Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of the Township codes under which the PSES was constructed. Failure of the property owner to maintain the PSES in good working order is grounds for appropriate enforcement action by the Township in accordance with applicable ordinances or Code provisions. The Township may perform the services required and charge the owner appropriate fees. Nonpayment of these fees may result in a municipal lien against the property.

7. PSES installers of projects rated at three MW or greater must demonstrate that they have installed at least two utility-scale solar projects in the last three years.

8. All on-site AC transmission and plumbing lines shall be placed underground to the greatest extent feasible. DC transmission and plumbing lines may be attached flush to the solar array racking systems.

9. Any off-site transmission lines must be placed within legal rights-of-way, and proof of the right-of-way shall be provided to the Township prior to land development plan approval. Privately owned off-site transmission lines proposed to be in a public street right-of-way shall require Township approval and a right-of-way agreement with provisions indemnifying the Township from all liability related to the transmission lines.

10. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

11. Solar panels shall be located to minimize glare on adjacent properties or streets. The Township may require reasonable corrective actions after installation of the PSES to eliminate glare to adjacent residences or streets which causes a risk to public health or safety.
    (1) The Township shall require a glare study to be completed and submitted with the final land development plan and then again six months after operation of the PSES.

12. A baseline noise study shall be performed and submitted to the Township during the land development phase, and another noise study shall be performed and submitted to the Township within six months after commencement of operations. The noise study will be performed by an independent noise study expert approved by the Township and paid for by the applicant. Noise from a PSES, as measured at the property lines, shall not exceed 50dBA or otherwise creates excessive noise which constitutes a nuisance as determined by the Township. The applicant will install mitigation measures acceptable to the Township to mitigate any noise exceedance identified by the study.
13. The PSES owner shall provide the Township with a soil test prior to the development of the lot.

14. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township, and also post the same at the entrances to the PSES. The PSES owner and/or operator shall respond to the public's inquiries and complaints within 72 hours of receipt of a complaint.

15. An emergency response plan shall be included with the land development plan application, which shall be reviewed and approved by the local fire and emergency services departments.

16. Decommissioning requirements:
    (1) The PSES owner shall provide an annual report by January 31 of each year showing the energy generated of the PSES for the preceding calendar year.

    (2) If a PSES remains nonfunctional or inoperative for a continuous period of six months, the facility shall be deemed to be abandoned and shall constitute a public nuisance, unless the facility operator demonstrates a good-faith intent to sell the facility. Within six months of abandonment, the facility operator shall remove the system, after a demolition permit has been obtained, in accordance with the following:

        (a) Any aboveground mechanical equipment, wiring, and structural components shall be removed and disposed of in accordance with all legal requirements.

(b) Underground wiring and structural components shall be removed and disposed of in accordance with all legal requirements.

(3) After a PSES has been determined to be abandoned or has been terminated by the PSES owner, the PSES owner must still secure the property pursuant to the applicable provisions of this Part until the PSES is completely decommissioned or returned to another allowed use.

(4) When the equipment comprising the PSES is removed, any disturbed earth as a result of the removal of the equipment shall be restored, graded and reseeded, or immediately returned to another allowed use.

(5) The PSES owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost), and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to obtaining a building permit for the PSES and the estimate shall then be updated and approved by the Township prior to occupancy of the PSES and every fifth year thereafter. Prior to the issuance of the building permit, the PSES owner shall post and maintain financial security in the amount of 110% of the net decommissioning costs, provided that at no point shall the financial security be less than 50% of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the PSES owner. This financial security must be updated to the present value every five years.

(6) If the PSES owner fails to complete decommissioning within the required time period, then the landowner shall within six months complete decommissioning. The Township may draw on the financial security to reimburse the landowner or directly pay the decommissioning contractor for decommissioning costs upon the request of the landowner and submission of proof of costs in a form satisfactory to the Township.

(7) If neither the PSES owner nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it may draw on the financial security to pay for all costs and expenses. If the decommissioning costs and expenses are greater than the financial security, then the Township may charge the landowner and/or PSES owner for the excess costs and expenses, including reasonable attorneys' fees for collection, and such amounts shall be a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment plus an additional penalty of 10% of the assessment.

(8) The PSES owner shall provide a soil test to compare with the predevelopment soil test on file with the township. The PSES owner shall be responsible for remediation efforts for any changes in soil conditions from predevelopment levels.

(9) Upon completion of decommissioning to the satisfaction of the Township, any remaining financial security shall be released to the PSES owner.

B. Regulations applicable to all Ground-Mounted PSES:

1. Minimum lot size

a. A PSES shall meet the lot size requirements of the underlying zoning district.

2. Setbacks - PSES shall be set back 250 from any residential district or residential use. Crops, in addition to fences and screening for a PSES, may be within the setback but must be at least 25 feet from any adjacent property line or street right-of-way line.

3. Height - A ground mounted PSES shall not exceed twenty (20) feet in height.

4. Impervious - The following components of a PSES shall be considered impervious coverage and shall be included as part of the impervious coverage limitations for the underlying zoning district:

a. Foundation systems for PSES, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars. Any impervious foundations installed for accessory mechanical equipment of the PSES, including any foundation structure to hold batteries or storage cells.
b. Gravel or paved access roads and parking areas servicing the PSES. The total surface area of the impervious coverage on the property shall not exceed more than 30% of the lot area.
c. A land development plan for a PSES shall contain property line, fence and landscaping details showing compliance with this Part.

5. Stormwater - The applicant must submit a Stormwater Maintenance Plan that demonstrates compliance with the Municipal Stormwater Management regulations. PSES owners are encouraged to use low-maintenance and/or low-growing native species and pollinators under the system as a best management practice for stormwater management, or other acceptable vegetation and/or pollinators acceptable to the Township. The PSES shall also meet all requirements of Chapter **26** of the Code and any applicable Pennsylvania Department of Environmental Protection regulations for stormwater, including the FAQs for Chapter 102 Permitting for Solar Farms or successor guidelines and best management practices for solar farms.

6. Weeds - No grass or weeds shall be permitted at any time to exceed 12 inches in length or height from the surfaces under or surrounding the PSES. Any noxious weeds, as listed on Pennsylvania's Noxious Weed Control List (as amended), shall be immediately eradicated and removed.

7.. Fencing - All ground-mounted PSES shall be completely enclosed by fencing

that consists of a minimum six-foot-high fence with a locking gate. This required fencing shall be of a type approved by the Township. Gates shall be placed in locations allowing adequate space for vehicles to pull-off any adjacent roadway to unlock the gate for access. Ground-mounted PSES shall be screened from public roadways and any residential district or residential use as required by Section 317 of the Township Zoning Ordinance.

8.. Rights of Way - Ground mounted PSES shall not be placed within any legal easement, right-of-way, stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

9. Signage

a. 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 or potential voltage hazards.

b. Signage shall comply with prevailing sign regulations.

10. Access Drive - Access drives and internal service roads are required to allow for maintenance and emergency management vehicles. The minimum cartway width shall be no less than 22 feet for both access road and internal service roads. All access drives and internal service roads must conform to the applicable standards set forth in the Township's Subdivision and Land Development Ordinance, Chapter 22 of the code, § 22-403, Street Design.

11. Lighting - The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

12. Earth Disturbance - If a ground mounted PSES is removed, any earth disturbance resulting from the removal must returned to an environmentally stable condition.

13. Continued Agricultural Use - The continuation of any agricultural or residential use, to include but not be limited to grazing to control vegetation or other agricultural or ecological practices to make beneficial use of the land underneath the solar arrays or any land not dedicated to the PSES, will be permitted as customarily incidental to and compatible with the PSES use, and shall not be considered a second principal use.

14. Connection Confirmation - The owner of a PSES shall provide Oxford Township written confirmation that the public utility company to which the solar energy facility will be connected has been informed of the customer's intent to install a PSES. The public utility company must provide written approval permitting the connection. Off-grid systems shall be exempt from this requirement.

SECTION 5 – Modifications.

The governing body may grant reasonable modification of the requirements of one or more provisions of this chapter, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed. All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.

SECTION 6 – Administration and Enforcement or Violations and Penalties.

Any person who shall violate any provision of this ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this ordinance continues or each section of this ordinance which shall be found to have been violated shall constitute a separate offense.

SECTION 7 – Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 8 – Repealer

All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 9. This Ordinance shall be effective five (5) days from adoption.
ENACTED AND ORDAINED, this 18th day of June, 2024.

ATTEST:

Secretary

OXFORD TOWNSHIP
BOARD OF SUPERVISORS

M. Frank Sneeringer
Chairman, Board of Supervisors

Harry P McKean
Vice-Chair, Board of Supervisors

Patrick Sam Taylor
Supervisor