

ORDINANCE NO. 23-05-2023

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HALIFAX TOWNSHIP,
DAUPHIN COUNTY, PENNSYLVANIA ESTABLISHING REQUIREMENTS FOR THE
INSTALLATION, OPERATION AND DECOMMISSIONING OF SOLAR ENERGY
SYSTEMS**

WHEREAS, the Board of Supervisors of Halifax Township, Dauphin County, Pennsylvania, deem it to be in the best interests and general welfare of the citizens and the residents of this Township to establish requirement for the installation, operation and decommissioning of solar energy systems as accessory uses and principal uses; and

WHEREAS, Section 506 of the Second Class Township Code, 53 P.S. §§ 66506, 66601(a), authorizes Townships of the second class to exercise powers necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers by adopting ordinances; and

WHEREAS, Halifax Township wishes to exercise the aforementioned powers to establish requirements for the installation, operation and decommissioning of solar energy systems.

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

Section 1 – Definitions

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

ACCESSORY BUILDING: A building which (1) is subordinate to and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building; and (4) is located on the same lot as the principal building.

ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. 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 power or fuels.

APPLICANT: The individual or entity seeking approval for a solar energy system pursuant to this Ordinance. The owner of the real property upon which the solar energy system shall be erected, as well as the Applicant, shall be responsible for compliance with this Ordinance.

ENVIRONMENTALLY STABLE: The proper placing, grading, construction, reinforcing, lining, and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement.

MUNICIPALITY: Halifax Township, Dauphin County, Pennsylvania.

OWNER: The person owning, leasing, occupying or having charge of any premises within the Municipality.

PERSON: Any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or organization of any kind.

PRINCIPAL BUILDING: A building or structure in which is conducted the principal use of the lot on which the building or structure is located.

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PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally 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.

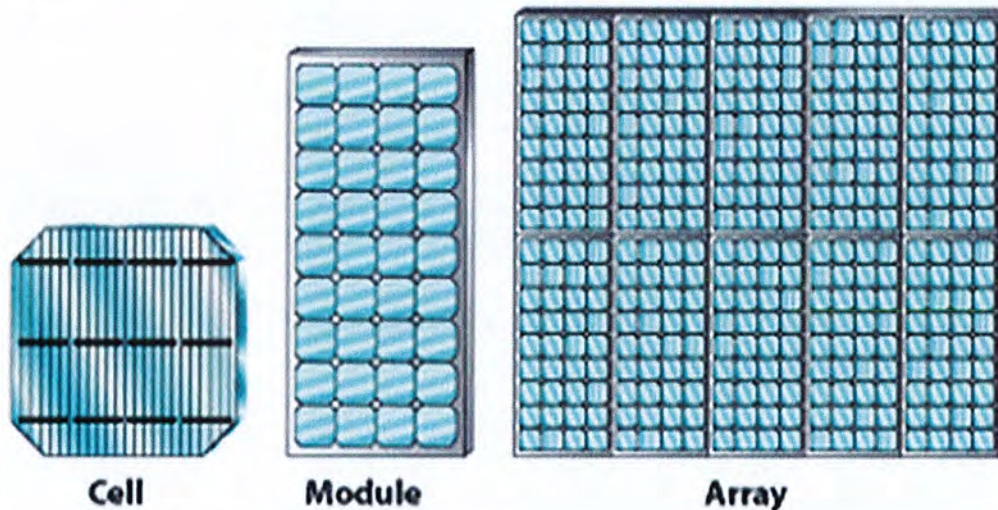
SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR GRAZING: The practice of grazing livestock on solar farms. Sheep are the most common solar grazing animals, as they are the best-suited species. For the safety of low-mount solar arrays, goats, cows, pigs, and horses are not recommended.

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

SOLAR ENERGY SYSTEM: A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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



SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

Section 2 - Accessory Solar Energy Systems (ASES)

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. Exemptions

a. ASES with an aggregate collection and/or focusing area of 1000 square feet or less are exempt from this ordinance.

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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 that materially alters the ASES, shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

2. The ASES 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), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Halifax Township, and with all applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Halifax Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Halifax Township in accordance with applicable ordinances.

3. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.

4. The ASES shall be designed to primarily use all energy created on site.

5. Signage shall comply with the prevailing sign regulations.

6. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

7. All ASES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. The total height of a building with an ASES shall not exceed the maximum building height specified for principal or accessory buildings in accordance with the Halifax Subdivision and Land Development Ordinance

3. Wall mounted ASES shall be setback by more than 3 feet for principal and accessory buildings.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. For roof and wall mounted systems, the applicant shall evidence that the plans comply with the Uniform Construction Code that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks.

a. The minimum setbacks from side and rear property lines shall be in accordance with the Halifax Subdivision and Land Development Ordinance b. A ground mounted ASES shall not be located in the required front setback.

c. Ground mounted ASES are prohibited in front yards unless unique physical circumstances or conditions exist that preclude it from being located in a side or rear yard. Such physical conditions may include, but are not limited to, restricted solar access in other yards, other resource constraints, unusual situation of the principal use on the parcel, etc.

2. Freestanding ground mounted ASES shall not exceed 10 feet in height (measured to the bottom of the solar panels) above the ground elevation surrounding the systems.

3. Coverage.

The following components of a ground mounted ASES shall be considered impervious:

- i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars; and
- ii. All mechanical equipment of the system including any structure for batteries or storage cells.

4. Ground mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a construed storm water conveyance system.

5. 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 graded and re-seeded.

Section 3 - Principal Solar Energy Systems (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems:

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 any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (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) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Halifax 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. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
4. The owner of a PSES shall provide Halifax Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
5. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the PSES.
6. No portion of the PSES 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 PSES provided they comply with the prevailing sign regulations.
7. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
8. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
9. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES, subject to approval of the Municipality.
10. For Emergency purposes, the PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and

complaints throughout the life of the project and provide this number, address and name to the Municipality, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the complaint was filed.

11. PSES owners shall properly maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Municipality of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

12. A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry and furnished to the Municipality, the local fire company and the Dauphin County Department of Emergency Services at the time the application for a permit is submitted. The same shall be reviewed and updated, if necessary, every five (5) years.

B. Ground Mounted Principal Solar Energy Systems:

1. Minimum Lot Size

- a. The PSES shall not be situated on a parcel smaller than 5 acres/square feet.

2. Setbacks

- a. PSES shall be setback in accordance with the Halifax Subdivision and Land Development Ordinance.

3. Height

- a. Ground mounted PSES shall not exceed 10 feet in height (measured to the bottom of the solar panels).

4. Impervious Coverage

- b. The following components of a PSES shall be considered impervious coverage
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.
 - iii. Gravel of paved access roads servicing the PSES,

5. Stormwater

- a. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.

b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.

6. Screening

a. Ground mounted PSES shall be screened from adjoining residential uses according to the standards found in the Halifax Subdivision and Land Development Ordinance.

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

8. Security

a. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the municipality.

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 voltage hazards.

9. Access drives are required to allow for maintenance and emergency management vehicles. The minimum cart way width is 12'.

10. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.

11. Solar grazing. Solar grazing with sheep is highly encouraged and a preferred method of controlling ground cover growth. Benefits of solar grazing:

(a) Farm income is more diversified and increases family farm viability.

(b) Farmland conservation and keeps farmland in farm production.

(c) Added visual benefit and aesthetics for the community.

(d) Solar grazing contributes dairy, meat, and wool to the locally sourced, renewable farm market.

(e) With time, planning, and good management, sheep can do 90% to 100% of the vegetative maintenance work inside the fence, eliminating the need for mowing and reducing emissions and costs.

(f) If solar grazing to be provided, the following features are to be supplied, provided, or allowed:

- (1) Provide a water well for sheep if public water or reliable on-lot water (stream or pond) is not available.
- (2) Seed fenced area with grazing-friendly seed mix, such as Fuzz & Buzz seed mix or similar.
- (3) Where applicable, install fencing gates between adjoining solar parcels for moving sheep and line up gates between separately fenced sections of the arrays.
- (4) Allowance to farmer to use portable low-voltage energizers and fences. In lieu of this fencing, installation of low (three-foot) interior fences to facilitate best grazing/vegetation management.
- (5) Install pipe fences and gates around inverter/transformer pads.
- (6) Allow signs on road gates for sheep farmers to advertise their organic, value-added products.

C. Roof Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code that the roof or wall is capable of holding the load imposed on the structure.
2. PSES mounted on roofs of any building shall be subject to the foot/feet height restriction.

Section 4 – Decommission

A. Documentation

1. An affidavit, or similar evidence, signed by the property owner and the PSES facility owner affirming a lease agreement with a decommissioning clause (or similar) and a successors and assigns clause. The decommissioning clause must provide sufficient funds to dismantle and remove the PSES, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads and other associated facilities from the property. The successors and assigns clause must bind those successors and assigns to the lease agreement.
2. The PSES owner is required to notify the Municipality immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months and the owner has not initiated necessary remedial actions to return the PSES to a generating state. If the PSES owner fails to dismantle and/or remove the PSES within 18 months of cessation or abandonment, the Municipality may complete the decommissioning at the property owner's expense. The PSES owner must post a bond

when the application for such a system is filed with the Municipality in an amount determined by the Municipality's Engineer, to ensure the proper decommissioning.

Section 5 - Administration and Enforcement

A. Applications

1. Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
2. The permit shall be revoked if the solar energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.
3. The solar energy system 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.
4. An approved land development plan shall accompany all permit applications excluding those for ASES which are accessory to a single-family residential use.

B. Fees and Costs

1. The Applicant shall pay all permit application fees and inspection fees when seeking approval of a solar energy system under this Ordinance, which fees shall be set by resolution.
2. The Applicant shall, prior to receipt of an approved permit, reimburse the Municipality for any actual fees or costs incurred arising out of or related to the Application (collectively the "Costs"). The Costs shall include, but not be limited to, engineering, zoning officer, building code official and legal fees.

C. Access

The landowner and developer shall execute an agreement with the Municipality authorizing the Municipality, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Municipality, its employees, agents or contractors and an indemnification of the Municipality, its employees, agents or contractors. The said agreement shall be prepared by the Municipality and shall be submitted with the application for a permit signed by said owner and developer.

D. Modifications

The Municipality may grant modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the property in question, provided that such modification will not

be contrary to the public interest and that the purpose and intent of the Ordinance 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 the Ordinance involved and the minimum modification necessary.

E. Enforcement

1. Upon the receipt of a written complaint setting forth the existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof, the Municipality's Superintendent of Public Works, Zoning Officer, Code Enforcement Officer, Solicitor or other representative that may be authorized by the Municipality's governing body (the "Enforcement Officer") shall cause written notice to be given either by personal service or registered or certified mail to the Applicant of the Property upon which the violation exists, to immediately cease and the construction, modification or the unauthorized use of the solar energy system. Such a written notice shall be required to enforce the remedies set forth in this section. However, the Municipality shall still be entitled to give a verbal notice for defective systems as authorized above.

2. Upon failure of such Applicant to comply as directed in said notice, the Enforcement Officer, other municipal officials or solicitor may appear on behalf of the Municipality and initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate, as per Section E.3 below and to a court of competent jurisdiction to enforce the provisions of this Ordinance under Municipalities Planning Code Section 617, as per Section E.4 below.

3. Any Applicant who or which shall violate or permit to be violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding brought by Halifax Township before a District Magistrate, pay a fine of not more than Five hundred (\$500.00) dollars, plus all court costs, including reasonable attorneys fees incurred by Halifax Township as a result thereof. No fine shall commence or be imposed, levied, or be payable until the date of the determination of the violation by a District Magistrate. Each day that a violation exists and is continued shall constitute a separate offense, unless the District Magistrate who determines that a violation has occurred further shall determine that there was a good faith basis for the defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination by such District Magistrate and thereafter every day shall constitute a separate offense.

4. In addition, the Municipality shall also be entitled to enforce this Ordinance by filing an action with a court of competent jurisdiction and to recover from any Applicant all the Municipality's costs or fees (collectively the "Costs") arising out of or related to the application or enforcement of this Ordinance. Such Costs may also include those to remedy violations of this Ordinance or to abate nuisances. The Costs shall include, but not be limited, engineer fees, geologist fees, attorney fees, zoning officer fees, and staff/employee time. The Costs may be collected as a Municipal Claim under applicable law against the property upon which the solar energy system, or portions thereof, is located.

Section 6 – Construction and Severability

A. The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations. If the provisions of this section and state law are in conflict, then state law shall prevail.

B. It is the intention of the Municipality's governing body that the provisions of this Ordinance are severable and if any provisions of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of this Ordinance.

Section 7 – Repealer

All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8 – Effective Date

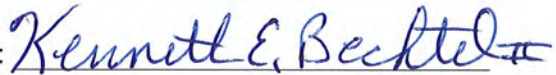
This Ordinance shall become effective five (5) days after its enactment.

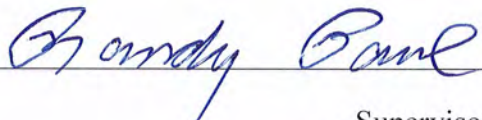
DULY ENACTED AND ORDAINED this 13 day of Nov., 2023, by the Board of Township Supervisors of Halifax Township in public session duly assembled.

ATTEST:


HALIFAX TOWNSHIP
BOARD OF SUPERVISORS,
DAUPHIN COUNTY, PENNSYLVANIA



Township Secretary

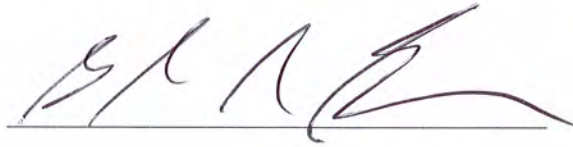
By: 
, Chairman


, Supervisor

(Township Seal)


, Supervisor


, Supervisor


, Supervisor