

TOWNSHIP OF WASHINGTON
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 311

AN ORDINANCE OF WASHINGTON TOWNSHIP, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE WASHINGTON TOWNSHIP ZONING ORDINANCE OF 1982, AS AMENDED, WITH RESPECT TO PRINCIPAL SOLAR ENERGY SYSTEMS.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, et seq., authorizes Washington Township, Northampton County to enact, amend, and repeal Zoning Ordinances within the Township;

WHEREAS, the Board of Supervisors of Washington Township, Northampton County deems it to be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Washington Township Zoning Ordinance of 1982, as amended, to provide for Principal Solar Energy Systems; and

WHEREAS, the Board of Supervisors of the Township desires to add provisions to the Zoning Ordinance relating to Principal Solar Energy Systems.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Washington Township, Northampton County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. Short Title.

This Ordinance will be known as the Washington Township Zoning Ordinance Amendment Regarding Principal Solar Energy Systems.

SECTION 2. Definition of Principal Solar Energy System (PSES).

The Washington Township Zoning Ordinance of 1982, Article 2, Definitions, Section 2.1.B. is hereby amended to add the following definition of "Principal Solar Energy System (PSES)."

No. _____. **Principal Solar Energy System (PSES)**. An area of land or other area used for a solar collection system that captures solar energy, converts it to electrical energy or thermal power and supplies electrical or thermal power primarily for off-site use. Principal Solar Energy Systems consist of one or more free-standing ground or roof mounted solar collector devices, solar-related

equipment, and other Accessory Structures and Buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant Structures.

SECTION 3. Principal Solar Energy System (PSES) set as a Special Exception Use.

The Washington Township Zoning Ordinance of 1982, Article 3, Definitions, Section 3.13.E is hereby amended to add "Principal Solar Energy System (PSES)" as a special exception use with specific standards set forth below.

No. ____ Principal Solar Energy System (PSES)

The following Use regulations apply:

A. Exemptions

- (1) A Principal Solar Energy System constructed prior to the effective date of this Ordinance is not required to meet the requirements of this Ordinance. Any physical modification or alteration to an existing PSES that materially alters the size, type or components of the Solar Electric System requires a permit under this Ordinance.
- (2) Routine operation and maintenance or like-kind replacements do not require a permit.

B. Design and Development Standards.

- (1) A Principal Solar Energy System must meet the Lot size, Setback, and Height requirements of the underlying zoning district, unless the required Setback is less than 20 feet. A Principal Solar Energy System must not be placed closer to the Lot Line than 20 feet.
- (2) The location of a Principal Solar Energy System must not create any threat to traffic or to public health and safety.
- (3) The Principal Solar Energy System layout, design and installation must 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, and must comply with the PA Uniform Construction Code as enforced by the Township of Economy, regulations adopted by the Pennsylvania Department of Labor and Industry, and all other applicable fire and life safety requirements.

- (4) A Principal Solar Energy System must not be artificially lighted, unless required by safety or by any applicable Federal, State, or local authority.
- (5) A Principal Solar Energy System must be enclosed by a minimum six-foot-high fence with a self-locking gate.
- (6) A clearly visible warning Sign must be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the Principal Solar Energy System informing individuals of potential voltage hazards.
- (7) A Principal Solar Energy System must not contain nor be used to display advertising. The manufacturer's name and equipment information or indication of ownership may be allowed on any equipment provided they comply with the Sign regulations of the underlying zoning district.
- (8) On-Site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- (9) Low growing grasses must be planted beneath the panels to allow and encourage the infiltration of precipitation into the underlying soils unless the PSES is installed as a canopy over an existing parking Lot.
- (10) No trees or other landscaping otherwise required by the Township Municipal Code or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a Principal Solar Energy System.
- (11) The operator of the Principal Solar Energy System is responsible for maintaining the Lot on which the PSES is located, as well as the means of access to the tower, including clearing and cutting vegetation, snow removal and maintenance of the access driveway surface.
- (12) At a minimum, a 24-foot-wide access road must be provided from a state or Township roadway into the site.
- (13) At a minimum, a 20-foot wide Cartway must be provided between the solar arrays to allow access for maintenance vehicles and Emergency management vehicles including fire apparatus and Emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of a solar panel directly across from it.
- (14) Access to the Principal Solar Energy System must comply with the access requirements in the Township Subdivision and Land Development Ordinance at Section 10.4 and Section 10.12.

C. Decommissioning.

- (1) The facility Owner and operator must, at their expense, complete decommissioning of the Principal Solar Energy System or individual Solar Electric System(s) within 12 months after the end of the useful life of such Facility or System. A PSES or Solar Electric 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.
- (2) Decommissioning must include removal of all Solar Electric Energy Systems, Buildings, cabling, electrical components, roads, foundations, and any other associated facilities.
- (3) Disturbed earth must be graded and re-seeded unless the Landowner requests in writing that the access roads or other land surface areas not be restored.
- (4) Prior to the issuance of any permit, the Applicant must post with the Township a performance bond, surety bond, letter of credit, escrow, or other financial security, approved by the Township, in an amount equal to one hundred ten percent (110%) of the estimated cost of decommissioning, including the removal of all structures, debris, and restoration of the site. The cost estimate shall be submitted to the Township Engineer for approval. The security shall be maintained for the life of the facilities and systems and adjusted every five (5) years to account for inflation, increased removal costs, and any changes to the facilities and systems. If any facility or system is not decommissioned within one (1) year of ceasing production, the Township may use the security to cover all decommissioning and removal costs.

D. Content of Application for a Special Exception.

- (1) A narrative describing the proposed Principal Solar Energy System including all the following:
 - (a) An overview of the project.
 - (b) The project location.
 - (c) The approximate generating capacity of the Principal Solar Energy System.
 - (d) The approximate number, representative types, and Height or range of Heights of the panels or other Solar Electric System equipment to be constructed, including their generating capacity, dimensions, and respective manufacturers.
 - (e) A description of all ancillary facilities.
- (2) An affidavit or similar evidence of agreement between the Owner of the real property on which the Principal Solar Energy System is to be located and the Facility Owner, demonstrating that the

Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the Principal Solar Energy System.

- (3) Written confirmation that the public utility company to which the Principal Solar Energy System will be connected has been informed of the operator's intent to install a grid connected system and approves of such connection.
- (4) The manufacturer specifications for the key components of the system.
- (5) Identification of the properties or portions thereof on which the proposed Principal Solar Energy System will be located, and the properties adjacent to where the Principal Solar Energy System will be located.
- (6) A site plan showing the planned location of each Solar Electric System including Lot Lines, Setback lines, access roads and turnout locations, substation(s), electrical cabling from the Solar Electric System to the substation(s), ancillary equipment, Buildings, and Structures, including associated distribution or transmission lines, and layout of all Structures within the geographical boundaries of any applicable Setback.
- (7) Evidence that the installer is listed as a certified installer on the Pennsylvania Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - (a) Certification by the North American Board of Certified Energy Practitioners (NABCEP) for solar thermal installation.
 - (b) Completions of an Interstate Renewable Energy Board of Supervisors (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successful installation of a minimum of three solar thermal systems.
- (8) A decommissioning plan including a schedule for decommissioning to demonstrate compliance with the decommissioning requirements in this Ordinance or as required by any applicable federal, state, or local law, rule, ordinance, or regulation.
- (9) A written acknowledgement from the Applicant that the issuing of a permit or permits for the Principal Solar Energy System does not create in the Property Owner, or successors and assigns, or in the property itself either of the following:

- (a) The right to remain free of shadows or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property.
 - (b) The right to prohibit the development on or growth of any trees or vegetation on such property.
- (10) For roof and wall mounted systems, the Applicant must provide evidence that (a) the plans comply with the Uniform Construction Code and the Construction Code of Chapter 66 and (b) that the roof or wall can hold the load imposed on the Structure. Applications for roof mounted PSES must be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the PSES.
- (11) Other relevant studies, reports, certifications, and approvals as may be provided by the Applicant or required by the Township of Economy to ensure compliance with this Ordinance.

SECTION 4. Principal Solar Energy System (PSES) permitted as a special exception use in Commercial Zoning District and Industrial Zoning District.

The Washington Township Zoning Ordinance of 1982, Article 3, Definitions, Section 3.10.C Commercial District and Section 3.11.C Industrial District are hereby amended to add "Principal Solar Energy System (PSES)" as a use permitted by special exception.

SECTION 5. Severability.

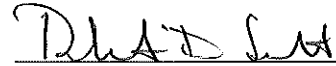
In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board that the remainder of the Ordinance shall remain in full force and effect.

SECTION 6. Effective Date.

This Ordinance will be effective immediately upon its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, County of Northampton, Commonwealth of Pennsylvania, into an Ordinance this 8th day of April 2026.


WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS


Robert Smith, Chairman

Carl Tolino, Vice Chairman


R. Justin Huratiak

ATTEST:

By: 
Sharon Cifuentes
Township Secretary/Treasurer