

**PARADISE TOWNSHIP, YORK COUNTY  
PENNSYLVANIA**

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**ORDINANCE NO. 2015-02**

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**ENERGY PRODUCING SYSTEMS ORDINANCE**

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**WHEREAS**, Paradise Township, York County Pennsylvania, herein referred to as the Township, seeks to promote the general health, safety and welfare of the community by adopting and implementing an Ordinance providing for access to and use of Large and Small Solar or Wind Generating Production Facilities; and

**WHEREAS**, the purpose of this ordinance is to set requirements for solar and wind energy systems.

**IT IS HEREBY ENACTED AND ORDAINED** by Paradise Township, York County, Pennsylvania as follows:

**SECTION 1 - DEFINITIONS**

**Large Solar Energy Production Facility**, which is an area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large Solar energy production facilities consist of one (1) or more free standing ground or roof mounted solar collective devices, solar related equipment and other accessories, such as structures, buildings, reflectors, concentrators, heat exchangers, transmission lines, and other structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power primarily for off site use.

**Small Solar Energy System** is defined as a solar collection system consisting of one (1) or more roof or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for onsite use, except that when a property upon which the facility is installed also receives electrical power

by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**Large Wind Energy Production Facility**, an area of land or other area used for wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, towers, and associated control and conversion electronics and other structures, buildings and accessories substations, infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power primarily for off-site use.

**Small Wind Energy Production Facility**, a wind energy system consisting of a wind turbine, tower and associated control or conversion electronics, and is limited to primarily reduce on site consumption of utility power. A system is considered a small energy system only if it supplies power for on-site use, the parcel on which the system is installed also receives electrical power from a utility company, excess electrical power produced and presently not needed for on-site use may be used by the utility company.

## **SECTION 2 -Large Solar Energy Production Facility.**

A. Large Solar Energy Production Facilities are permitted subject to, but not limited to, the following criteria:

1. If the site is in an A, or RC zoning district, the applicant shall demonstrate that the proposed location is located on the least productive soils.
2. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards including those of the American National Standards Institute (ANSI), Underwriter Laboratories (UL), and the American Society for Testing and Materials (ASTM), or other similar certifying organization, and shall comply with the Uniform Construction Code and with other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
3. All on site utility and transmission lines shall be placed underground unless otherwise approved by the Township.
4. All large solar energy facilities shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights of way. If found in noncompliance the system will be repositioned or removed.
5. Large solar energy facilities mounted on any building shall be subject to the maximum

height regulations specified within each of the underlying zoning district. The owner shall provide evidence in the form of stamped plans certified by a licensed professional engineer registered in the Commonwealth of Pennsylvania that the roof is structurally sound.

6. All ground mounted and free standing solar collectors of the larger solar energy producing facility shall be completely enclosed by a minimum eight (8) foot high fence with self-locking gate.
7. Clearly visible warning sign(s) concerning voltage shall be placed at the base of all pad mounted transformers and substations or fence.
8. The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar production facility owner or property owner shall have twelve (12) months in which to dismantle and remove the large solar production facility from the property. At the time of issuance of the permit for construction of the large solar production facility the owner shall provide financial security in the form and the amount acceptable to the Township to secure the expense of dismantling and removing said structures. Examples: Evergreen Bonds, Letter of Credit, etc.
9. The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than two million (\$2,000,000.00) dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.
10. As applicable, a land development plan shall be submitted to, and approved by the Township in accordance with the requirements of the Paradise Township Subdivision and Land Development Ordinance.
11. All uses must comply with Township building, health, safety, property and other local, county, state and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained prior to the start of construction.

### **SECTION 3: Small Solar Energy Systems**

- A. Small solar energy systems shall be permitted in all zoning districts as appurtenances to any building or accessory structures and shall be subject to the following regulations:
  1. The design and installation of small solar energy system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Association for Testing and Materials (ASTM), or other similar certifying organizations, and shall conform with the Uniform Construction Code and with other applicable fire and life safety requirements.

The manufacturer specifications shall be submitted as part of the permit application.

2. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well adjacent street rights of way.
3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. No part of any small solar energy system shall be located within or above any front yard, along any street frontage, and must comply with all required setbacks of any property as indicated in the applicable Zoning District.
5. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence in the form of stamped plans certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the roof is structurally sound.
6. Small solar energy systems which are ground mounted or detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.
7. The applicant shall submit a plan for the removal of the small solar energy system when it becomes functionally obsolete or is no longer in use, the owner shall be responsible for removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the solar energy system is obsolete or no longer in use if no electricity is generated for a continuous period for six (6) months.
8. The owner of the small solar energy system shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

#### **SECTION 4-Large Wind Energy Production Facilities**

- A. Large Wind Energy Production Facilities are permitted subject to, but not limited to, the following criteria:
  1. If the site is in an A or RC zoning district, the applicant shall demonstrate that the proposed location is located on the least productive soils.
  2. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards including those of the American National

Standards Institute (ANSI), Underwriter Laboratories (UL), et Det Norske Veritas Germanischer Lloyd Wind Energies (DNV.GL), and the American Society for Testing and Materials (ASTM) or other similar certifying organization, and shall comply with the Uniform Construction Code and with other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

3. Large Wind Energy Systems shall not generate noise which exceeds fifty five (55) decibels, nor ten (10) decibels above ambient noise in any one (1) hour, whichever is higher. Noise is measured from the property line (Alternative: closest neighboring inhabited structure or nearest habitable structure setback on abutting properties, whichever is closer.) The ambient sound measurement, known as "A weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken.
4. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail safe mode.
5. Large wind generating facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
6. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
7. Wind turbines and towers shall be a non-obtrusive color such as white, off white or gray.
8. Large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building or adjacent properties.
9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
10. All access doors to wind turbines and electrical equipment shall be locked as appropriate, to prevent entry by non-authorized persons.
11. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
12. All large wind energy production facilities shall be independent of any other

structure(s) and shall be located a minimum distance of one and five tenths (1.5) times the maximum turbine height from any inhabited structure, property line, street right of way, or overhead utility line.

13. The minimum height of the lowest portion of the wind turbine rotating blade shall be thirty (30) feet above the ground.
14. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with self- locking gate or wind turbine's climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
15. The large wind energy production facility owner is required to notify the township immediately upon cessation or abandonment of the operation. The large wind production facility owner or property owner, shall have twelve (12) months in which to dismantle and remove the large wind production facility from the property. At the time of issuance of the permit for construction of the large solar production facility the owner shall provide financial security in the form and the amount acceptable to the township to secure the expense of dismantling and removing said structures. Examples: Evergreen Bond, Letter of Credit, etc.
16. The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the township providing evidence of liability insurance of not less than two million (\$2,000,000.00 ) dollars and naming the township as an additional insured on the policy or policies of the owner and/or lessee. As applicable, a land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of Paradise Township Subdivision and Land Development Ordinance.
17. All uses must comply with the Township building, health, safety, property and other local, county, state and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained prior to the start of construction.

#### **SECTION 5-Small Wind Energy Production Facilities**

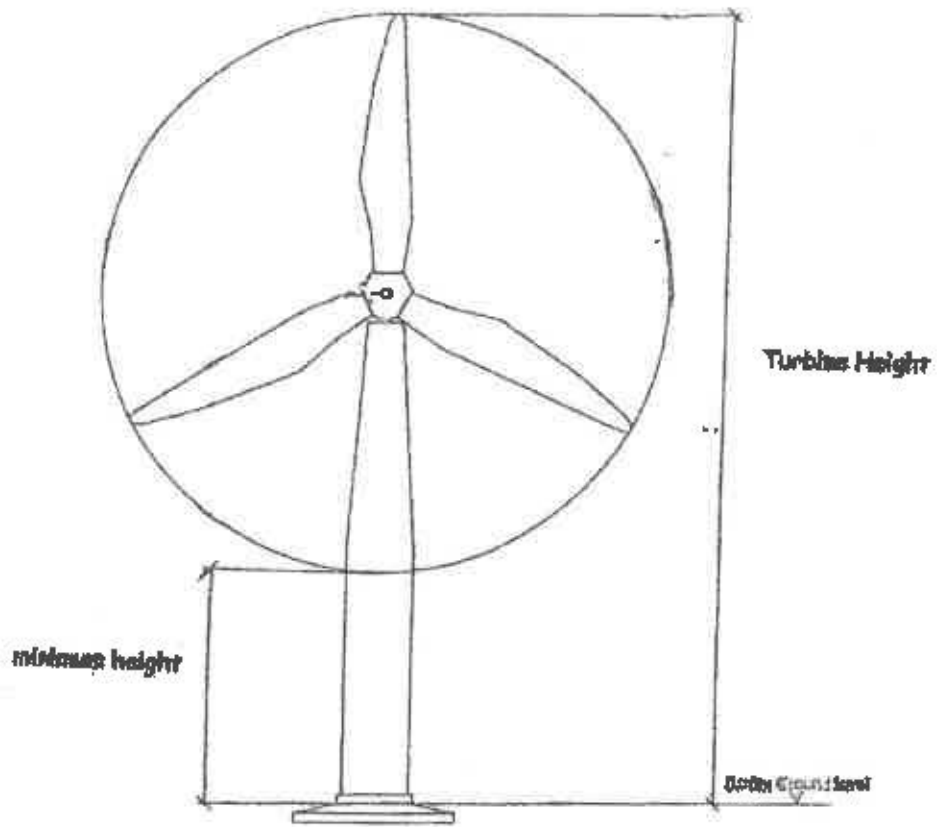
- A. Small wind generating systems shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:
  1. The design and installation of all small wind energy systems shall conform to applicable industry standards, comply with the Uniform Construction Code and all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted with the permit application.
  2. No more than one (1) small wind energy system shall be permitted per property.

3. Small Wind Energy Systems shall not generate noise which exceeds fifty five (55) decibels, nor ten (10) decibels above ambient noise in any one (1) hour, whichever is higher. Noise is measured from the property line (Alternative: closest neighboring inhabited structure or nearest habitable structure setback on abutting properties, whichever is closer.) The ambient sound measurement, known as "A weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken.
4. Small wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
5. All on site utility and transmission lines shall be placed underground.
6. No part of any wind energy system shall be located within or above the front yard, along any street frontage, and must comply with all required setbacks of any property as indicated in the applicable Zoning District.
7. All small wind energy systems shall be located a minimum distance of one and five tenth (1.5) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility lines.
8. No portion of a small wind energy system shall extend over parking areas, access drive, driveways or sidewalks.
9. The minimum height of the lowest portion of the wind turbine shall be fifteen (15) feet above ground.
10. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such signs shall have an area less than four (4) square feet.
11. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with accessory building requirements specified within each zoning district. Accessory buildings shall not be located within any front yard or along any street frontage, and must comply with any setbacks of any property as indicated in the applicable Zoning District.
12. The owner of the small wind energy system shall provide written authorization that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator, and also approves such connection. Offgrid systems shall be exempt from this requirement.

13. The owner of the small wind energy system or the property owner shall, at the owner's expense, complete decommissioning within six (6) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of useful life if no electricity is generated for a continuous period of six (6) months.
14. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damages or injury that might result from the installation and operation of the small wind energy system.



**Section 6- Diagram illustrating Wind Energy Turbine Tower**



## **SECTION 7 -Permitting Fees and Costs**

The applicant shall pay the following fees when seeking approval and permits for a solar or wind energy system.

A Permit fee which shall follow the cost of construction as per the building permit fee as authorized by the Township. Additionally, the applicant shall reimburse Paradise Township for any actual fees or cost incurred arising out of or related to the Application (collectively the "Costs"). The Costs shall include, but not limited to, engineering, zoning officer, building code official, and legal fees.

## **SECTION 8-Enforcement**

- A. Upon receipt of a written complaint setting forth existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof, the Township's Zoning Officer, Solicitor or other representative that may be authorized by the Board of Supervisors shall cause written notice to be given either by personal service or registered or certified mail to the Facility Owner of the Property upon which the violation exists to immediately cease the construction, modification or the unauthorized use of the Energy System. Such a written notice shall be required to enforce the remedies set forth in this section. However, the Township shall still be entitled to give a verbal notice for defective systems as authorized above.
- B. Upon failure of such Facility Owner to comply as directed in said notice, the Enforcement Officer, other municipal officials or solicitor may appear on behalf of the Township to initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate.
- C. Any Facility Owner 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 the Township before a District Magistrate, pay a fine of not less than \$50.00 nor more than \$600.00, plus all court costs, including reasonable attorney's fees incurred by the 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 of the 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 good faith basis for the defendant to have believed that there was not such violation until the fifth day following the date of determination by such District Magistrate and thereafter every day shall constitute a separate offense.
- D. In addition, the Township shall also be entitled to recover from any Facility Owner all the Township's costs or fees (collectively the "Costs") arising out of or related to the application or enforcement of this Ordinance. Such costs shall include, but not be limited to, engineer 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 Energy System, or portion thereof, is located.

**SECTION 9- 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 the section and state law are in conflict, then state law shall prevail.
- B. It is the intention of the Township's Board of Supervisors 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 10 - Repealer**

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

**SECTION 11- Effective Date**


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

Enacted and ordained this 13<sup>th</sup> day of April 2015.

Attest:

  
Secretary

**PARADISE TOWNSHIP BOARD  
OF SUPERVISORS**

By:   
Chairman