

ORDINANCE NO. 01-2024

AN ORDINANCE REGULATING THE CONSTRUCTION,  
OPERATION, AND DECOMMISSIONING OF LARGE-SCALE  
SOLAR ELECTRIC ENERGY FACILITIES

**Section 1. Title:**

This Chapter shall be known as the Large-Scale Solar Electric Facility Ordinance for Lake Township.

**Section 2. Purpose:**

The purpose of the Ordinance is to provide for the construction, installation, operation and decommissioning of Large-Scale Solar Electric Energy Facilities in Lake Township subject to reasonable conditions that will protect the public health, safety, and welfare.

**Section 3. Definitions:**

A. "Applicant" is the Landowner or Developer and includes their heirs, successors and assigns, who has filed an application for development of a Solar Electric Energy Facility under this Ordinance.

B. "Facility Owner" means the person or entity having an equity interest in the Solar Electric Energy Facility, including their heirs, successors and assigns.

C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the Solar Electric Energy Facility.

D. "Solar Electric System" means 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.

E. "Solar Electric Energy Facility" means a Large-Scale Solar Electric Energy 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. These facilities shall not include Solar Electric Energy Systems meant for onsite residential or commercial use.

**Section 4. Applicability:**

A. This Ordinance applies to any Solar Energy Facility of two (2) acres or more proposed to be constructed after the effective date of the Ordinance.

B. A Solar Electric Energy Facility constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modification or alteration to an existing Solar Electric Energy Facility that materially alters the size, type or components of the Solar Electric System shall require a permit under this Ordinance. Routine operation and maintenance or like-kind replacements do not require a permit.

#### **Section 5. Permit Requirements:**

A. No Solar Electric Energy Facility, or addition of a Solar Electric System to an existing Solar Electric Energy Facility, shall be constructed or located within Lake Township unless a permit has been issued to the Facility Owner or Operator approving construction of the Solar Electric Energy under this Ordinance.

B. The permit application or amended permit application shall be accompanied with a fee in the amount of \$ 150.00.

C. Any physical modification to an existing and permitted Solar Electric Energy Facility that materially alters the size, type and number of Solar Electric Systems or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

#### **Section 6. Permit Application:**

A. The permit application shall demonstrate that the proposed Solar Electric Facility will comply with this Ordinance.

B. Among other things, the application shall contain the following:

1. A narrative describing the proposed Solar Electric Energy Facility, including an overview of the project; the project location; 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, and a description of all ancillary facilities.

2. An affidavit or similar evidence of agreement between the Landowner of the real property on which the Solar Electric Energy Facility 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 Solar Electric Energy Facility ("Participating Landowner Agreement").

3. Identification of the properties or portions thereof on which the proposed Solar Electric Energy Facility will be located, and the properties adjacent to where the Solar Electric Energy Facility will be located.

4. A site plan showing the planned location of each Solar Electric Energy Facility property lines, setback lines, access roads and turnout locations, substation(s), 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.

5. Documents related to decommissioning, including a schedule for decommissioning.

6. Other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by Lake Township to ensure compliance with this Ordinance.

C. Within thirty (30) days after receipt of a permit application, Lake Township will determine whether the application is complete and advise the applicant accordingly.

D. Within sixty (60) days of a completeness determination, Lake Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

E. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, Lake Township will make a decision whether to issue or deny the permit application.

F. Throughout the permit process, the applicant shall promptly notify Lake Township of any changes to the information contained in the permit application.

G. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

#### **Section 7. Design and Construction:**

A. **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 Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC), ETL, Florida Solar Energy Center (FSEC) or other similar certifying organizations.

B. **Uniform Construction Code:** The Solar Electric Energy Facility and the Solar Electric 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 UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.

C. **Visual Appearance: Power Lines:**

1. Solar Electric Energy Facility shall not be artificially lighted, except to the extent required by safety or by any applicable federal, state or local authority.

2. Solar Electric Energy Facility shall not display advertising, except for reasonable identification of the panel, inverter, or other equipment manufacturer, and the Facility Owner.

3. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

D. **Warnings:**

1. 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.

2. Clearly visible warning signs shall be placed on the fence, barrier, or Solar Electric Energy Facility perimeter to inform individuals of potential voltage hazards.

#### **Section 8. Setbacks:**

A. Property lines: All Solar Electric Energy Systems shall be located one hundred feet (100') from all property lines where the System is located. These distances shall be measured from the closest edge of the Solar Electric Energy System to the property line.

B. A Solar Electric Energy Facility shall be sited in such a way that it presents no threat to traffic or to public health and safety.

#### **Section 9. Decommissioning:**

A. The Facility Owner and Operator is required to notify Lake Township, Mercer County, Pennsylvania, immediately upon cessation or abandonment of the operation of a Solar Electric Facility. The Solar Electric Facility shall be presumed to be discontinued or abandoned if no power is generated by such system for a period of twelve (12) continuous months. Upon notification or determination by the Township that the Solar Electric Facility operation is ceased or abandoned, the decommissioning and restoration process of the associated properties shall be initiated in accordance with this Ordinance and other Federal or State regulations.

B. The Facility Owner and Operator shall, at their expense, complete decommissioning of the Solar Electric Energy Facility or individual Solar Electric System within twelve (12) 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 twelve (12) months.

C. Decommissioning shall include removal of all Solar Electric Energy Systems, buildings, cabling, electrical components, road, foundations and any other associated facilities.

D. The Owner and Operator of the Solar Electric Facility shall also restore disturbed earth to its original condition, including forestry plantings of the same type/variety and density, without re-introduction of intrusive species. If the Facility Owner and Operator fails to dismantle and/or remove the Solar Electric Energy System and restore the land within the established time frames, Lake Township, Mercer County, Pennsylvania, may complete the decommissioning and land restoration at the Facility Owner and Operator's expense to include Court costs and reasonable attorney's fees.

E. At the time of issuance of the permit for the construction of the Solar Electric Energy Facility, the owner shall engage an independent professional engineer licensed in the Commonwealth of Pennsylvania to conduct an appraisal to determine the approximate cost of decommissioning and dismantling the fully constructed Solar Electric Energy Facility and

removing the above-ground (to the depth of not less than three (3) feet below-ground in all cases at least to the depth of plow line) components of the Solar Electric Energy Facility from the property and to determine the cost of restoring and reclaiming the property under the assumption that the above-ground components of the Solar Electric Energy Facility have been removed from the property. The Facility Owner and Operator shall be responsible for all costs and expenses of the appraisal and the decision of such engineer shall be binding and conclusive.

F. Prior to the commencement of construction, the Facility Owner and Operator shall obtain and deliver to Lake Township an irrevocable letter of credit, surety of performance bond issued by a financial institution of recognized financial standing, that is sufficient to cover an amount equal to not less than one hundred and ten percent (110%) of the amount that the Decommissioning Costs and the Restoration Costs exceed the projected salvage value of the Solar Electric Energy Facility at the end of the projected Operations Date (as determined by the engineer).

G. Lake Township shall be named as the sole payee, obligee, or beneficiary under the Security. Once the Security has been issued and delivered to Lake Township, the Security shall not lapse until the Restoration Activities are completed. Not less than thirty (30) days prior to any expiration of the security, evidence of the renewal of such Security shall be provided to Lake Township. The Solar Electric Energy Facility owner shall provide evidence of such Security, and the Security shall contain an agreement by the institutional provider that the Security will not be cancelled, or the Security changed, without at least thirty (30) days prior written notice to Lake Township. In no event shall the Security be cancelled or changed by the Solar Electric Energy Facility owner without the written consent of Lake Township.

H. The amount of the Security shall be reviewed and reset immediately after completion of construction based on a new estimate by a professional engineer, licensed in the Commonwealth of Pennsylvania, and then updated every five (5) years thereafter until the site is discontinued and is fully restored to the conditions as prior to construction and use of the facility.

#### **Section 10. Remedies:**

A. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action that is contrary to the term of this Ordinance or a permit issued under this Ordinance or cause another to violate or fail to comply, or take any action which is contrary to the terms of this Ordinance or a permit issued under this Ordinance.

B. If, after thirty (30) days from the date of the notice of violation, Lake Township determines, in its discretion, that the parties have not resolved the alleged violation, Lake Township may institute civil enforcement proceedings or any remedy at law or in equity to ensure compliance as provided in Ordinance No. 01-2024 of Lake Township.

#### **Section 11. Effective Date:**

This Ordinance shall take effect on 07/08/24.

*James G. ...*  
*Angela Smith*  
*Fred Elder*