

CHANCEFORD TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

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ORDINANCE NO. 2022-01

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AN ORDINANCE OF CHANCEFORD TOWNSHIP  
ESTABLISHING REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

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## Section 1 - Introduction

WHEREAS, the Chanceford Township seeks to promote the general health, safety and welfare of the community by adopting and implementing this Ordinance providing for access to and use of solar energy systems; and

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

IT IS HEREBY ENACTED AND ORDAINED by the governing body of the Municipality as follows:

## Section 2 – Definitions

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 accessoriesolar 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.

MUNICIPALITY: Chanceford Township, York County, Pennsylvania.

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 assuring adequate access to direct sunlight for Principal Solar Energy Systems:

**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 3 - Accessory Solar Energy Systems (ASES)**

### **A. Regulations Applicable to All Accessory Solar Energy Systems:**

1. **Exemptions.** 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, installation, and ongoing maintenance 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), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Chanceford Township. Upon completion of installation, the ASES shall be maintained in good working order



in accordance with standards of the Chanceford Township codes under which the ASES was constructed.

3. ASES installers must certify they are listed as a certified installer on the PA 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. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - b. Has completed an Interstate Renewable Energy Council (REC) Institute for Sustainable Power Quality (ISPQJ accredited Photovoltaic training program or a Photovoltaic manufacturer's training program and successfully installed a minimum of three Photovoltaic systems).
  - c. For residential applications, a registered home improvement contractor with the Attorney General's office.
4. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.
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. The owner of an ASES shall provide Chanceford Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

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

1. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the applicable zoning districts.
2. Wall mounted ASES shall comply with the all setback requirements in the applicable zoning districts.
3. Solar panels shall not extend beyond any portion of the roof edge.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks.
  - a. The minimum setbacks from side and rear property lines shall be equivalent to twice the principal building setbacks in the applicable zoning district.



- b. A ground mounted ASES shall not be located in the required front setback.
  - c. Ground mounted ASES are permitted in front yards if the owner's property line is more than 125 feet from the ASES.
  - d. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.
2. Coverage.
- a. The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement for the applicable zoning district.
  - b. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 15% of the lot area.
3. Ground mounted ASES shall not be placed so as to interfere with any access 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.
4. Screening.
- a. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes.
  - b. Solid fence, a minimum of six (6) feet in height, or vegetative screen a minimum of six (6) feet in height acceptable to the Township, shall be erected to screen from the view of the residential use.
  - c. Where a vegetative screen is used, such screen planting shall be approved by the Township Engineer and shall consist of evergreen plantings of a minimum of height of four (4) feet when planted. Such plants shall achieve a minimum mature height of six (6) feet. Vegetative screens shall receive continuing maintenance, which shall include replacement of any dead or diseased plantings.
  - d. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
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 4 – PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

### A. Regulations Applicable to All Principal Solar Energy Systems:

1. Primary Solar Energy Systems shall be permitted by special exception only in the General Commercial, Conservation, or Agricultural Zoning District. In addition to the special exception criteria as listed in this Ordinance, all of the following criteria must be met in order for a PSES owner to receive approval for a special exception use.
2. Exemptions.
  - a. 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 that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. A Building Permit shall be required before the installation of any PSES and a Use Certificate shall be received before commencement of any operation of a PSES.
4. The owner of a PSES and the owner of the of the property where the PSES shall be constructed shall, prior to the issuance of any Building Permit permitting the installation of a PSES, enter into an Agreement with the Township requiring and committing the owner to pay to the Township an annual sum of \$2,000 per megawatt of capacity, payable in a lump sum before January 15<sup>th</sup> of each calendar year during commercial operation of the PSES with the first payment due in full upon the Township's issuance of a Use Certificate at permitting the operation of such PSES and subsequent payments payable on or before January 15<sup>th</sup> of each succeeding calendar year, with such payment to be adjusted at the end of each five (5) year period to reflect changes in the Consumer Price Index-Seasonally Adjusted U.S. City Average, For All Items, For All Urban Consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics during the previous five (5) year period to reflect changes in the index since the year the Use Certificate was issued. Thus if there is a ten (10%) percent increase in the "CPI-U between the year in which the Use Certificate was issued and the end of the five (5) year period, the amount of required payment shall be increased by ten (10%) percent.
5. The PSES 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),



Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Chanceford Township and with all other applicable fire and life safety requirements.

6. PSES installers must demonstrate they are listed as a certified installer on the PA 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. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - b. Has completed an Interstate Renewable Energy Council (IREC) Institute/or Sustainable Power Quality (JSPQ) accredited Photovoltaic training program or a Photovoltaic manufacturer's training program and successfully installed a minimum of three Photovoltaic systems.
7. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
8. The owner of a PSES shall provide the 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.
9. 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.
10. Glare.
  - a. All PSES shall be placed such that concentrated solar radiation or glare does not project- onto nearby structures or roadways.
  - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through sighting or mitigation.
11. 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. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.



## 12. Decommissioning

- a. The PSES owner is required to notify the Township 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 twelve (12) continuous months.
- b. The PSES owner shall then have twelve ( 12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property.
- c. At the time of issuance of the permit/or the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the/Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
- d. If the PSES owner fails to complete the decommissioning within the 12 months, as is required in this Ordinance, then the Township may take measures as is necessary to complete decommissioning. To the extent that the Township incurs costs to rightfully perform any act to and furtherance 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 PSES owner for the excess costs and expenses, including reasonable attorney's fees for collection and such amounts shall be a special assessment/municipal lien against the property for the amount of the assessment plus an additional penalty of 10% of the assessment.
- e. Upon completion of decommissioning to the satisfaction of the Township, any remaining financial security shall be released to the PSES owner.

13. Prior to the issuance of a Use Permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

## 14. Solar Easements.

- a. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.



- b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. instruments creating solar easement shall include but not be limited to:
  - i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
  - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
  - iii Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
  - iv Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and/or the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

15 Permit Requirements.

- a. PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

B. Ground Mounted Principal Solar Energy Systems:

- 1. Minimum lot size.
  - a. The PSES shall meet the lot size requirement of the underlying zoning district.
- 2. Setbacks.
  - a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
- 3. Height.
  - a. Ground mounted PSES shall comply with the accessory building height





restrictions for the underlying zoning district.

4. Impervious Coverage.
  - a. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Chanceford Township Stormwater Management Ordinance.
  - b. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
5. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 3 of this ordinance.
6. Ground-mounted PSES shall not be placed so as to interfere with any access 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.
7. Security.
  - a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
  - b. 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.
8. Access.
  - a. At a minimum, a 25 wide access road must be provided from a state or township roadway into the site.
  - b. At a minimum, a 20' wide cart way shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cart way width is the distance between the bottom edges of a solar panel to the top edge of the solar panel directly across from it.
  - c. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.
9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
10. If a ground mounted PSES is removed any earth disturbance resulting



from the removal must be graded and reseeded.

C. Roof and Wall 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 and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

## 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. 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.

#### D. 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 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.

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 Chanceford Township before a District Magistrate, pay a fine of five hundred (\$500.00) dollars, plus all court costs, including reasonable attorneys fee's incurred by Chanceford 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 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.

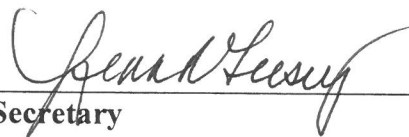
## Section 8 – Effective Date

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

ENACTED AND ORDAINED this 14 day of March, 2022.

ATTEST:

CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

By:   
Chairman



**SCANNED**