

# ADDENDUMS TO ZONING ORDINANCE

MAHANoy TOWNSHIP  
SCHUYLKILL COUNTY  
PENNSYLVANIA

The Mahanoy Township Zoning Ordinance was prepared by Hampton and Hampton on September 6, 2007. This Addendum is for the sole purpose of listing any Ordinances that have been amended from September 6, 2007 to the present

**MAHANoy TOWNSHIP, SCHUYLKILL COUNTY**  
**ORDINANCE NO. 2010-3**

**ORDINANCE OF MAHANoy TOWNSHIP, SCHUYLKILL COUNTY,  
AMENDING THE MAHANoy TOWNSHIP ZONING ORDINANCE  
OF DECEMBER 27, 2007 TO CREATE A NEW PERMITTED USE BY A  
SPECIAL EXCEPTION FOR RESIDENTIAL STAND ALONE WIND TURBINES  
AND RESIDENTIAL SOLAR PANELS CONSTRUCTED OR INSTALLED IN  
PRIMARILY RESIDENTIAL AREAS IN SEVERAL ZONING DISTRICTS**

**WHEREAS**, Mahanoy Township has previously adopted the Mahanoy Township Zoning Ordinance of December 27, 2007 ("Zoning Ordinance"), along with any Amendments thereto; and

**WHEREAS**, Mahanoy Township desires to promote the use of wind turbines and solar panels by amending certain portions of the Zoning Ordinance; and

**WHEREAS**, Mahanoy Township has complied with the provisions of the Municipalities Planning Code with regard to Zoning Ordinance Amendments.

**NOW THEREFORE**, be it enacted and ordained by the Board of Supervisors of Mahanoy Township that the following Sections are added to the Zoning Ordinance by this Amendment:

**Section 409.1 Windmills/Wind Generators.**

**A. Purpose.**

The purpose of this ordinance is to promote the effective and efficient use of wind energy conversion systems (WECS) and to regulate the residential placement of wind energy conversion systems so that the public health and safety will not be jeopardized.

**B. Definition.**

**WIND ENERGY CONVERSION SYSTEM - (WECS)** Any machine that converts the kinetic energy in the wind into a usable form of energy (commonly known as a "wind turbine" or "windmill" but not necessarily limited to those devices). The WECS includes all parts of the system and the transmission equipment; the turbine or windmill may be on a horizontal or vertical axis, it includes the rotors or propellers, as well as the support structure for the unit.

**C. Windmills / Wind Generators Regulations**

1. WECS are only permitted installations for single family and two family residential dwellings in CR Conservation, Residential R-2, Single Family Residential R-3, Multi-Family Residential and CM Conservation Mining Districts upon the approval of a Special Exception by both the Planning Commission and Zoning Hearing Board.

2. No WEC shall be erected until final site plan approval has been granted by the Planning Commission and all required permits are issued by every government agency involved.
3. Because of their unique characteristics, all WECS shall require individual consideration by the Board and Commission in each case and the site plan must show the following items:
  - a. The location of the tower on-site, specifying the tower height, by including blades as a part of the structure in that computation.
  - b. Underground utility lines shall be installed at least within a radius equal to the proposed tower height, including the blades.
  - c. The dimensional representation of the various structural components of the tower construction, including the base and footings.
  - d. Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions for the facility.
  - e. Certification by a registered professional engineer that the tower design is structurally sound and sufficient to support the WES and to withstand wind load requirements for structures as established by the Penna. Uniform Construction Code and where a WES is installed on a structure that the installation is structurally sound and complies with the requirements of this provision.
4. A Special Exception for WECS shall not cause substantial injury to the value of other property in the area where it is to be located, shall conform with regulations applicable to the district where located, shall be compatible with adjoining development, shall provide adequate landscaping and screening and shall not jeopardize the public health, safety, welfare and convenience of the community. It shall be the burden of the applicant to establish compliance with this provision.
5. No WEC, including blades, and those installed at ground level or upon structures shall extend more than 50 feet above the average ground level of the permanent structure, except that tower height may exceed 50 feet by approval of the Zoning Hearing Board. The tower height for a WEC is not within the height exceptions stated in Section 501.6 of this Ordinance.
6. No WEC shall be erected in any location where its overall height, including blades, is greater than ten feet (10') less than the distance from its base line to any property line.
7. Access to the tower located on the ground shall be limited either by means of a fence six feet high around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.

8. No WEC shall cause interference with radio or television broadcasting or reception or cause excessive noise exceeding that of the ambient level of noise at the property line or 45 Dba.
9. No television, radio or other communication antenna may be affixed to or otherwise made a part of a WEC.
10. WECS shall be located or installed in compliance with the applicable guidelines of the Federal Aviation Regulations, where applicable. It shall be the burden of the applicant to establish compliance with this provision.
11. No WEC shall be installed in a location where the impact on the neighborhood character is determined by the Zoning Hearing Board to be detrimental to the general neighborhood character. It shall be the burden of the applicant to establish that there is no violation of this provision.
12. If the WEC is to be interconnected to an electric utility distribution system, the applicant shall provide evidence of the approval for the proposed interconnect by the Electric Utility Company.
13. Towers shall be located in rear yards and screened as determined appropriate by the Zoning Hearing Board.
14. Guy wires and anchors for towers shall not be located closer than 10 feet to any property line.
15. All WECS shall be designed with an automatic brake to prevent over-speeding and excessive pressure on the tower.
16. In the event that the WECS contains any inflammable liquid it shall be equipped with a fire suppression system acceptable to the Zoning Hearing Board.
17. The minimum distance between the ground and the low point of any protruding blades shall not be less than 25 feet as measured at the lowest point of the arch of the blade.
18. Every three years the owner shall submit a structural report to the Building Inspector attesting to the structural integrity of the wind generator, tower and/or support system.
19. The Building Inspector may cause the owner or operator to remove the WECS, including all appurtenances thereto, if the system or systems are not operated for a period of one year or if the WECS shall cease to be operational for more than fourteen (14) days, unless that period is extended by the Building Inspector's allowance for necessary repairs. In any event, if the WECS ceases to be operational for a period of sixty (60) days it must be removed. All actions taken pursuant to this Section shall be paid for by the applicant or the current owner of the property on which the WECS is located.

20. WECS shall serve only the property upon which it is located except that electrical energy generated by the WECS may be sold to a public electrical utility.
21. At all times after a WECS is installed upon a property, the owner of that property shall provide the Township Secretary with a Certification from a reputable insurance company that there is insurance coverage in an amount equal to \$150,000.00, applicable to any damage to property or injury to person that may occur as a result of the operation and installation of the WECS.

## **Section 409.2 Solar Panels.**

### **A. Purpose.**

The purpose of this ordinance is to promote the effective and efficient residential use of solar panels or any similar apparatus to convert solar energy into power generally and heating conversion systems so that the public health and safety will not be jeopardized.

### **B. Definition.**

**SOLAR PANEL - (PANEL)** A Panel as used in this Section of the Ordinance means a Panel of grids or pipes which convert solar energy into a usable form of energy or to produce heated fluid. The PANEL includes all parts of the system and the transmission equipment and internal material which may only be installed in an area open to the sun.

### **C. Panel Regulations**

1. PANELS are permitted installations for single family and two family residential dwellings in CR Conservation, Residential R-2, Single Family Residential R-3, Multi-Family Residential and CM Conservation Mining District upon the approval of a Special Exception by both the Zoning Hearing Board and the Planning Commission.
2. No PANEL shall be erected until final site plan approval has been granted by the Planning Commission and all required permits are issued by every government agency involved.
3. Because of the unique characteristics all PANEL installations shall require individual consideration by the Zoning Hearing Board and Planning Commission in each case and the site plan must show the following items:
  - a. The location of the PANEL on-site.
  - b. All utility lines for the PANEL not installed on a structure shall be underground.
  - c. The dimensional representation of the various structural components of the PANEL construction, including the base and footings.

PROPOSED  
AMENDMENT TO THE  
MAHANoy TOWNSHIP ZONING ORDINANCE \_

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Mahanoy Township that the following Amendments are made to the Zoning Ordinance in Section 501.2 and indicated as follows:

Section 1. Section 501.2, Fences, Walls and Hedges is hereby revoked and is hereby amended to read as follows:

**Section 501.2 Fences, Walls and Hedges.**

Notwithstanding other provisions of this Ordinance, fences, walls and/or hedges maintained in good condition may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the edges or front edge of any front yard, shall be greater than four (4) feet in height and no fence, wall or hedge shall be greater than four (4) feet in height in the first ten (10) feet of any side yard. In addition, no fence, wall, or hedge shall obstruct the sight distance of a driveway on the property or an adjoining property. Further more, no fence, wall or hedge shall infringe upon the 10 feet clear sight triangle of a driveway created at the intersection of a driveway and a public street. Trees and other plant material designated to enhance the livability and attractiveness of any lot may be located in any yard.

Section 2. All of the remaining provisions of the Mahanoy Township Zoning Ordinance of 1997, as amended, in effect prior to the enactment of this Ordinance, except as amended herein, remain in full force and effect.

Section 3. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal, invalid or unenforceable, such section, sub-section, sentence, clause, phrase or portion shall be deemed separate, distinct and independent

from the remainder of this Ordinance and such findings shall not affect the enforceability of the remainder of this Ordinance.

Section 4. This Ordinance shall become effective immediately or upon the first day allowed by law after its enactment, whichever is first.

ORDAINED AND ENACTED THIS 18<sup>th</sup> day of April, 2013.

ATTEST:

MAHANoy TOWNSHIP  
BOARD OF SUPERVISORS

Cheryl Backe  
Secretary

James P. Allen  
Sharon R. Chis  
\_\_\_\_\_

PROPOSED  
AMENDMENT TO THE  
MAHANoy TOWNSHIP ZONING ORDINANCE

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Mahanoy Township that the following Amendments are made to the Zoning Ordinance in the Section indicated as follows:

Section 1. A new provision is added at Section 507.4 as follows:

**Section 507.4 Wireless Telecommunication Antenna/Tower Collocation.**

It is the policy of the Township that where technologically feasible, all wireless telecommunications antennas be collocated on existing wireless telecommunication facilities.

All applications for the installation of wireless telecommunication antennas must be submitted to the Zoning Hearing Board and are subject to the applicable provisions of Act 191 of October 26, 2012 (53 P.S. §11702.1). All Applications must satisfy these additional requirements:

a. The installation of an antenna may not substantially change the physical dimensions of the wireless telecommunications support structure (tower) to which the antenna is to be attached.

b. The installation of an antenna may not increase the height of the wireless telecommunications support structure (tower) where that structure has already been extended by more than 10 percent from its originally approved height of the existing structure but if a higher height extension is sought then a separate request must be submitted to the Zoning Hearing Board along with the Special Exception Application to review and determine whether that additional height is justified as a special exception. Extensions of up to ten (10) percent of the initially approved height of the structure are permitted.

c. The proposed installation of an antenna may not increase the dimensions of the previously approved equipment compound of the existing structure originally approved for the structure.

d. The installation of an antenna must comply with all applicable existing conditions of the approval originally applied to the initial wireless telecommunication facility.

e. The burden of establishing that the collocation of a wireless telecommunication antenna on an existing wireless telecommunication facility is not technologically feasible is upon the Applicant for approval for a wireless telecommunication tower and antenna structure.

f. The Zoning Hearing Board is hereby empowered to impose conditions in the issuance of any Zoning Permit authorized by the Zoning Hearing Board with respect to collocation of an antenna on an existing wireless telecommunication facility and to regulate the collocation of all wireless telecommunication antennas within the Township. In the event that the Zoning Hearing Board determines that it is not technically feasible to collocate a wireless antenna in an existing facility, the Zoning Hearing Board is empowered to approve the construction of a wireless telecommunication tower with attached wireless antennas in those zoning districts where they are permitted as a special exception pursuant to this Ordinance and the Zoning Hearing Board is also hereby empowered to impose such conditions in any Zoning Permit which the Zoning Hearing Board reasonably finds to be necessary under the circumstances presented by the Application.

Section 2. All of the remaining provisions of the Mahanoy Township Zoning Ordinance of 1997, as amended, in effect prior to the enactment of this Ordinance, except as amended herein, remain in full force and effect.

Section 3. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal, invalid or unenforceable, such section, sub-section, sentence, clause, phrase or portion shall be deemed separate, distinct and independent from the remainder of this Ordinance and such findings shall not affect the enforceability of the remainder of this Ordinance.

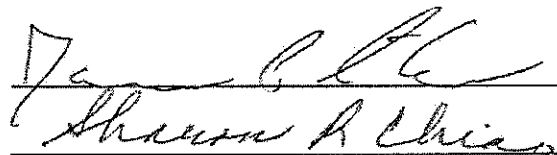
Section 4. This Ordinance shall become effective immediately or upon the first day allowed by law after its enactment, whichever is first.

ORDAINED AND ENACTED THIS 18<sup>th</sup> day of April, 2013.

ATTEST:

MAHANAY TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

  
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MAHANoy TOWNSHIP, SCHUYLKILL COUNTY  
ORDINANCE NO. 2016-4

AN ORDINANCE OF MAHANoy TOWNSHIP, SCHUYLKILL COUNTY,  
AMENDING THE MAHANoy TOWNSHIP ZONING ORDINANCE  
TO REVISE THE SIDE YARD REQUIREMENTS IN AN  
R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

WHEREAS, Mahanoy Township has previously adopted Mahanoy Township Zoning Ordinance of December 27, 2007 ("Zoning Ordinance") along with any Amendments thereto; and

WHEREAS, Mahanoy Township desires to amend certain portions of the Zoning Ordinance by the Amendments herein set forth; and

WHEREAS, Mahanoy Township has complied with the provisions of the Municipalities Planning Code which relate to Zoning Amendments.

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Mahanoy Township that the following Amendments are added to the Zoning Ordinance at the Section indicated as follows:

Section 1. The lot sizes and requirements for the R-3 Multi-Family Residential District contained in the Mahanoy Township Zoning Ordinance of 2007 are Amended at footnote 6 to read as follows:

(6) For pre-existing non-conforming lots only in R-3.

If lot width is 25' or less - side setback is 3' on both sides.

If lot width is greater than 25' and up to and including 50' - side setback is 3' on both sides.

If lot width is greater than 50' - side setback is 3' on both sides.

Section 2. All of the provisions of the Mahanoy Township Zoning Ordinance of 1997, as amended, in effect prior to the enactment of this Ordinance remain in full force and effect.

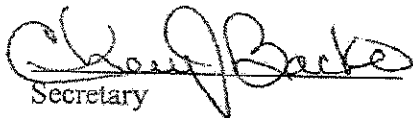
Section 3. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal, invalid or unenforceable such section, sub-section, sentence, clause, phrase or portion shall be deemed separate, distinct and independent from the remainder of this Ordinance and such findings shall not affect the enforceability of the remainder of this Ordinance.

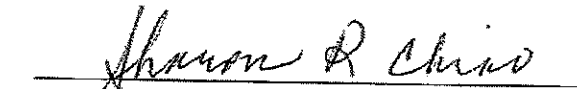
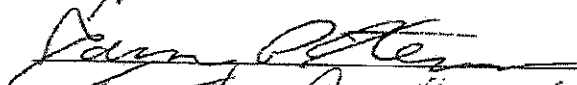
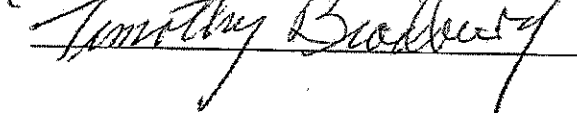
Section 4. This Ordinance shall be effective immediately or on the first day allowed by law after its enactment, which ever is first.

ORDAINED AND ENACTED THIS 17 day of June, 2010.

ATTEST:

MAHANoy TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

**MAHANoy TOWNSHIP**  
**ZONING PERMIT FEE SCHEDULE**  
**Revised 8-18-2022**

Swimming pools - above ground and in-ground .....	\$ 50.00
Single Family Residential Dwelling-up to 1,500 sq. ft of living space .....	\$100.00
For each additional 500 sq.ft. of living spaces.....	\$ 50.00
Single Family Residential Additions /* Accessory Structures.....	\$ 50.00
*(ex. Garages & sheds)	
100 - 1,000 sq.ft .....	\$ 50.00
1,001 - 2,000 sq.ft plus \$20.00 for every additional 1,000 sq.ft.	\$ 200.00
Accessory structure under 100 sq.ft. Does not require a Township permit.	
Decks-----	\$25.00
Patios-----	\$25.00
Multi Family Dwelling Units (per unit) .....	\$100.00
Mobile Home Parks / Recreation Vehicle Parks-Per Unit/Lot .....	\$100.00
Home Occupations .....	\$100.00
Industrial and Commercial Uses and/or Structures ....	\$500.00
plus \$30.00 for each 1,000 sq. feet of building space plus a charge of .0025	
of the cost of construction.	
Additions to Industrial and Commercial Structures	
Including Mining Related Structures .....	\$250.00
plus \$30.00 for each 1,000 sq. ft. of building space plus a charge of .0025	
of the cost of construction.	
Agricultural Structures, Public Use Structures and Places of Worship,	
and Mining Related Structures (New or Additions).....	\$200.00
plus \$30.00 for each 1,000 sq. ft. of building space plus a charge of .0025 of the	
..... cost of construction.	
Surface Mining or Quarrying Operations of mineral extraction (all types) .....	\$500.00
plus \$50.00 per acre.	
Solar Residential -----	\$200.00
Solar Commercial Farms-----	\$200.00
Plus \$20.00 per acre and \$30.00 per 1,000 sq. ft. building of space plus a charge of .0025	
of the cost of construction	
Junk Yards... ..	\$5,000.00
plus \$50.00 per acre.	
Signs on Premises .....	\$ 50.00
plus \$1.00 per sq. ft.	
Signs-Outdoor Advertisements, off Premises .....	\$250.00
plus \$1.00 per sq. ft.	

ORDINANCE NO. 1 of 2023  
TOWNSHIP OF MAHANoy

ORDINANCE OF MAHANoy TOWNSHIP, SCHUYLKILL COUNTY, AMENDING  
ORDINANCE NO. 2022-2 TO INCLUDE AN ADDITIONAL ZONING DISTRICT.

**WHEREAS**, Mahanoy Township has previously adopted Ordinance 2022-2 dated  
March 17, 2022 ("Solar Ordinance"); and

**WHEREAS**, Mahanoy Township desires to amend the Ordinance thereby amending  
the Zoning Ordinance pursuant to Section 609 of Municipal Planning Code to include an  
additional Zoning District; and

**NOW, THEREFORE**, be it enacted and ordained by the Board of Supervisors of  
Mahanoy Township that the following Sections are added to the Solar Ordinance by this  
Amendment as follows:


**Section 7. Solar Energy Farms.** Solar farms shall be located on properties with a  
minimum lot size of five (5) acres and shall be permitted within the CM - Conservation  
Mining, I - Manufacturing or CR - Conservation Residential Districts as specified herein.  
Solar Farms shall be permitted exclusively by conditional use subject to the following:

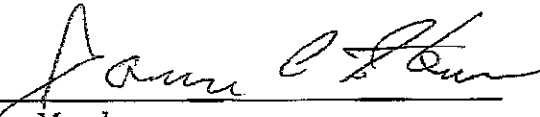
**ENACTED AND ORDAINED** this 20<sup>th</sup> day of April, 2023.


BOARD OF SUPERVISORS OF  
THE TOWNSHIP OF MAHANoy

BY:   
Chairman

ATTEST:

  
Cheryl Backo,  
Secretary/Treasurer

BY:   
Member

BY:   
Member

ORDINANCE NO. 2022-2

AN ORDINANCE OF THE TOWNSHIP OF MAHANNOY, SCHUYLKILL COUNTY, PENNSYLVANIA, REPEALING only Section 409-2 OF ORDINANCE 2010-3 RELATING TO SOLAR PANELS AND AMENDING THE MAHANNOY TOWNSHIP ZONING ORDINANCE BY ESTABLISHING SPECIFIC STANDARDS FOR THE REGULATION OF SOLAR ENERGY SYSTEMS AND SOLAR ENERGY FARMS WITHIN THE TOWNSHIP

WHEREAS, the Board of Supervisors of the Township of Mahanoy has duly adopted and does maintain a Zoning Ordinance within the said Township of Mahanoy; and,

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code authorizes municipalities to amend their Zoning Ordinance; and,

WHEREAS, new technology as to energy sources within residential and commercial establishments have created the need for regulation of solar energy mechanisms within the Township for instances when appropriate installation and construction regulations have been demonstrated by applicants; and,

WHEREAS, the Township seeks to permit varied uses of solar energy systems and solar energy farms within the Township based upon the need to utilize alternative energy sources throughout the Commonwealth; and

WHEREAS, the Supervisors of Mahanoy Township believe that it is in the best interest of Mahanoy Township to promote the use of alternate energy sources by establishing specific standards for installation of solar energy systems and solar farms; and,

WHEREAS, it is the intent of the Mahanoy Township Board of Supervisors to permit the use of Solar Energy Systems as long as there is an application for a permit and the location and design meet with the approval of the UCC Inspector and the Zoning Officer of the Township; and.

WHEREAS, after consideration and comment from the Planning Commission and after a public hearing duly conducted thereon, pursuant to the terms and provisions of the Pennsylvania Municipalities Planning Code, as amended, and the Township of Mahanoy Zoning Ordinance.

NOW THEREFORE, the Board of Supervisors of Township of Mahanoy hereby adopts the following amendments to the Zoning Ordinance as follows:

**Section 1. Purpose:** The purpose of this Ordinance is to promote the use of solar energy and to provide for the land development, installation and construction regulations for solar energy

systems in the Township subject to reasonable conditions that will protect the public health, safety and welfare.

**Section 2. Classification.** This Ordinance shall prescribe the location and circumstances for the installation of Solar Energy Systems hereunder and for Solar Energy Farms.

- A. Solar Energy Systems shall be a permitted use in any district and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s). This ordinance applies to Solar Energy Systems to be installed and constructed for all residential or commercial use as an accessory use to a primary residential or commercial use.
- B. Solar Energy Systems that are accessory uses may be installed in conjunction with an existing principal use on any property.
- C. Solar Energy Systems are not subject to Planning Commission or Zoning Board hearing and review procedures. However, upon receipt of a valid application by the Township, any permit approval issued by the Township must be predicated on the review and written approval of the Township UCC Inspector and the Zoning Officer of the Township. This is permit application process only pertains to Solar Energy Systems within the Township.

**Section 3. Definitions:**

“Solar Energy System” means any solar collector or other solar energy device, or any structural design feature mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.

“Solar Energy” means radiant energy (direct, diffuse and reflected) received from the sun.

“Solar Energy Farms” are systems which exist primarily to generate energy for sale back into the energy grid system, rather than being consumed on site.

“Solar Panels” – a structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy by way of a Solar Energy System.

“Solar array” – a group of photovoltaic solar panels or cells that convert sunlight into electricity, arranged and linked in such a way as to operate as a single unit. The term also refers to a similar set of reflecting mirrors used for directing and focusing sunlight onto such a group of photovoltaic units.

**Section 4. Applicability:**

- A. This ordinance applies to Solar Energy Systems and Solar Energy Farms to be installed and constructed after the effective date of the ordinance, and all applications for erection on existing structures or property shall be subject to the Applicant's payment of a permitting fee to be set by Township Resolution.
- B. Solar Energy Systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- C. Any upgrade, modification or structural change that materially alters the size or placement of an existing Solar Energy System shall comply with the provisions of this Ordinance.

**Section 5. Design and Installation for Solar Energy Systems:**

- A. To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Uniform Construction Code and Zoning Officer review and approval.
- B. The design of the Solar Energy System shall conform to applicable industry standards.
- C. The Solar Energy System shall provide power for the principal use of the Property on which the Solar Energy System is located and shall not be used for the generation of power for the sale of energy to other users.
- D. A Solar Energy System may be roof mounted or ground mounted as set forth herein.
- E. A Solar Energy System shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the Solar energy System provided they comply with the Township's sign regulations.
- F. A Solar Energy System shall not be constructed until a principal building is constructed and a building permit is issued for the Solar Energy System.

**Section 6. Setbacks, Placement and Height Restrictions for Solar Energy Systems:**

- A. A Solar Energy System may be installed as long as it meets the requirements of this Ordinance and all other applicable constructions codes.
- B. Ground-Mounted Solar Energy System:
  - 1. A Solar Energy System must comply with all height requirements for the zoning district where the Solar Energy System is to be installed.

2. All ground arrays for residential uses shall be set back a distance of 1.1 times the structure height from all property lines or principal building setbacks, whichever is greater or comply with the required residential district or be in conformance with the bulk standards in non-residential districts as provided herein.
3. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.
4. A ground-mounted Solar Energy System must comply with the accessory structure restrictions contained in the zoning district where the ground-mounted Solar Energy System is located.
5. Ground mounted Solar Energy Systems shall not be considered an accessory building.
6. Ground mounted Solar Energy Systems shall not be located in the required front yard setback.
7. Ground arrays shall be located so that any reflection is directed away or its property buffered from an adjoining property.
8. The surface area of a ground mounted system, regardless of the mounted angle shall be calculated as part of the overall lot coverage.
9. If a ground mounted Solar Energy System is removed, any earth disturbance as a result of the removal of the ground mounted Solar Energy System shall be graded and reseeded.

C. Roof Mounted Systems:

1. Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush-mounted solar panels attached to the roof surface. Roof mounted solar energy systems must comply with all UCC requirements and design specifications shall be furnished with the application permit for review.

D. Placement:

1. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

E. Mechanical Equipment. Mechanical equipment associated with and necessary for the operation of the Solar Energy System shall comply with the following:

1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen.
2. Mechanical equipment shall not be located in the required front yard setback of the underlying zoning district.
3. Mechanical equipment shall be setback at least ten (10) feet from the rear and side property lines.

F. Alternative Application Process if Permit Denied by Township

1. If the application for permit does not comply with zoning requirements and a permit cannot be issued, the applicant for a solar energy system has the option to make application to the Zoning Hearing Board to acquire a zoning variance. The applicant, in that event, is subject to the Zoning Hearing Board costs and procedures.
2. If the application for permit does not comply with UCC requirements and a permit cannot be issued, the applicant for a solar energy system has the option to make application to the UCC Appeal Board. The applicant, in that event, is subject to the UCC Appeal Board costs and procedures.

G. General Requirements:

1. Abandonment and removal. Any solar panel (roof or ground) that has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
2. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
3. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
4. The solar energy system is subject to all requirements for interconnection from Pennsylvania Power and Light or any applicable utility company.

**Section 7. Solar Energy Farms.** Solar farms shall be located on properties with a minimum lot size of five (5) acres and shall be permitted within the CM - Conservation Mining or I - Manufacturing Districts as specified herein. Solar Farms shall be permitted exclusively by conditional use subject to the following:

- A. The Applicant shall demonstrate appropriate screening for the operation and demonstrate compliance with general requirements for non-residential uses within the zoning ordinance, including but not limited to environmental considerations.
- B. Before issuance of building permits, the Applicant shall provide an operations agreement to the Township which shall set forth operations parameters, the name of the certified operator, inspection protocol, emergency procedures and general safety documentation.
- C. The applicant shall demonstrate compliance with any and all applicable zoning provisions and conditions.
- D. A host municipality fee shall be executed between Mahanoy Township and applicant, owner and/or operator of a solar energy farm facility prior to the commencement of said farm facility.
- E. Solar Energy Farms are to be added as conditional uses by creation of the following within the Mahanoy Township Zoning Ordinance: 408.2 Conditional uses in the CM District and Section 407.3 Conditional uses in the I District.
- F. Transportation Plan— Applicant should provide a route of travel plan detailing which roads within the Township will be used for access during construction and maintenance. Identify pre-existing conditions on State and Local roads to be utilized to transport equipment and parts for construction, operation and maintenance of the solar energy farm before construction and road conditions after construction. Road bonding and appropriate financial assurance to promptly repair any damages that may occur should be a requirement of plan approval.
- G. Telecommunications Interference— Applicant should provide documentation from relevant agencies showing that the solar energy farm will not be a hazard to electronic communications.
- H. Decommissioning— As a condition of issuance of building permit, Applicant shall present decommission bond in sufficient form subject to approval of Township Engineer and surety shall be required to be licensed in the Commonwealth of Pennsylvania. Prior to issuance of building permit, the applicant and/or land owner shall have an independent and certified Professional Engineer retained to estimate the total cost of decommissioning/removal/ remediation of the site, incorporating estimated salvage values. The solar energy farm owner is required to notify the Township immediately upon cessation or abandonment of the solar energy farm operation. The solar energy farm shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months. The solar energy farm owner shall then have twelve (12) months in which to dismantle and remove 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. If the owner fails to dismantle and or remove the solar energy farm within the established time frames, the municipality will complete the decommissioning at the property applicant's expense.

I. Financial Security— At the time of the issuance of the permit for the construction of the solar energy farm, the owner/applicant shall provide financial security in the form and amount acceptable to the Township to secure the expenses of dismantling and removing said solar energy farm and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original land tract.

J. Public Inquiries/Complaints— The facility operator is required to maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints through the life of the project. The facility operator is required to make reasonable effort to respond to the public's inquiries and complaints.

K. Certifications/Licenses/Permits— Copies of the approved permits and licenses from the Federal energy Regulatory Commission, Pennsylvania Department of Environmental Protection and the Public Utility Commission shall be supplied by the Applicant/Property Owner/Operator prior to the issuance of the permit for construction.

L. Environmental Impact— The applicant must provide proof that it is in compliance with all Federal and State Regulations with regard to the National Environmental Policy Act and Pennsylvania Natural Diversity Index Submission. A review and report of the potential impact of the solar energy farm on wildlife on the site shall also be prepared and presented by the applicant.

M. Lighting— The applicant shall provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.

N. Power Purchase/Sale Agreements— Power Purchase agreements or other agreements for the sale of power generated from the solar energy farm shall be required to be provided by the Applicant. The Applicant of the Solar Energy Farm intended to be connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection. The local utility provider shall be contacted by the applicant to determine grid connection and net metering policies and such information shall be provided to the Township.

O. Permitting - A solar energy farm shall not be constructed until a building/zoning permit has been approved and issued by the Township.

P. Design - The design of the solar energy farm shall be per the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.

Q. Noise— No solar energy farm facilities shall exceed sixty-five (65) dBA as measured at the property line.

R. Signage— Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the solar energy farm shall be locked to prevent unauthorized access of entry.

S. Security— All ground-mounted solar energy farms shall be completely enclosed by a minimum eight (8) foot high fence with a locking gate. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence surrounding the solar energy farm informing individuals of potential voltage hazards.

T. Access— At a minimum, a fifteen (15') feet wide access road must be provided from a state or township roadway into the site. At a minimum, a twelve (12') feet wide unimproved cartway shall be provided between 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 the solar panel directly across from it.

U. If the application for permit does not comply with zoning requirements and a permit cannot be issued, the applicant for a solar energy farm has the option to make application to the Zoning Hearing Board to acquire a zoning variance. The applicant, in that event, is subject to the Zoning Hearing Board costs and procedures.

V. If the application for permit does not comply with UCC requirements and a permit cannot be issued, the applicant for a solar energy farm has the option to make application to the UCC Appeal Board. The applicant, in that event, is subject to the UCC Appeal Board costs and procedures.

**Section 8. Easements.** On new site development plans that propose to provide for Solar Energy Systems, the governing body of the municipality shall require, prior to the approval of the plan, a notation on the plan that restrictions have been placed on the lots in question concerning the placement of structures and vegetation as they related to the proposed Solar Energy System.

**Section 9. Emergency Outages.** The owner of any solar Energy System or Solar Farm must configure the system in a manner that a backup source of electricity is available during times of outage of the solar energy system. In the event that the operation of the solar energy system interferes with the supply of electric service to other residents of the township, the Township may restrain operation for such interference with the health, safety and welfare of the other residents.

**Section 10. Connection and Operation in Conjunction with Public Electrical System.** Nothing in this ordinance shall be construed to approve any type of solar energy system in conjunction with any electrical distribution company that is otherwise regulated by the Public Utility Commission or prescribe the terms and circumstances of operation of personal solar energy systems or solar energy farms as they pertain to public electric generation systems. (i.e., PPL or similar companies)

**Section 11. Effective Date:**

This Ordinance shall take effect and be in force after its enactment by the Board of Supervisors as provided by law.

ORDAINED AND ENACTED as an Ordinance by the Board of Supervisors of the Township of Mahanoy, Schuylkill County, Pennsylvania, in lawful session duly assembled this 17 day of March, 2022.

TOWNSHIP OF MAHANROY

by: [Signature]  
Chairman of the Supervisors

[Signature]  
Member

[Signature]  
Member

ATTEST: [Signature]  
Secretary