

**ORDINANCE NO 01-10**

An Ordinance of the Township of Spring, Centre County, Pennsylvania, amending Chapter 27 (Zoning Ordinance) by adding Section 822 Supplemental Regulations – Alternative Energy Sources.

**822 SUPPLEMENTAL REGULATIONS – ALTERNATE ENERGY SOURCES**

**1. Intent.** To provide regulations to promote the safe, effective and efficient use of alternate energy systems installed to reduce on-site consumption of utility-supplied energy and to reduce our carbon footprint as an accessory use while protecting the health, safety and welfare of adjacent properties and surrounding land uses.

**2. GENERAL REQUIREMENTS.**

A. Windmills for Energy Generation Systems

1. Windmills for energy generation systems shall be permitted as an accessory use in accordance with this Section. It shall be the applicant's burden to demonstrate satisfaction of all requirements
2. Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an accessory use only in accordance with this Section. Power generated by a windmill under this Section shall not exceed 10 KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
3. One acre minimum lot size is required.
4. Wind energy generation shall be limited to one (1) windmill per lot or tract of land.
5. The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position shall not exceed 45 feet.
6. No windmill shall be placed in a front yard setback.
7. Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation (i.e., no guy wires).
8. No windmill shall be placed closer to a property line, utility line, structure or fuel source than the distance measured by its height plus ten percent (10%) of

its height (measured in feet).

9. No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen (15) feet.
10. The proposed location of the windmill shall be demonstrated to minimize view obstruction of neighboring properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties.
11. The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.
12. All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be below grade.
13. Windmills shall not be lighted except as otherwise required by law.
14. There shall be no antennae, advertising or other items or materials affixed to or otherwise placed on the windmill, except those required for safety purposes.
15. A site plan shall be submitted. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
  - a. Property boundaries and identities of neighboring property owners.
  - b. Location of all man made structures on the property, as well as all man made structures within one hundred feet (100') of the proposed windmill.
  - c. All wires and overhead structures, both natural and man made.
16. Construction Details
  - a. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation and support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
  - b. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill.
  - c. Information regarding the speed of operation and the braking mechanism(s). No windmills shall be permitted which lack an automatic

braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and/or excessive pressure on the windmill or any of its component parts.

- d. Plans and specifications to be certified by a registered professional engineer.

17. The Township may require the submission of additional information at any time it deems necessary to process the permit application.

18. Removal of Windmills.

- a. Any windmill which is in a state of disrepair and has not been active and in continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- b. All structures and enclosures accessory to the windmill shall also be completely removed from the property to a place of safe and legal disposal.

19. Certifications and Inspections.

- a. A windmill shall not be constructed until a building permit has been approved and issued per the PA Uniform Construction Code (UCC).
- b. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.
- c. Prior to commencement of construction on any windmill the property owner must acknowledge that he/she is the responsible party for owning and maintaining the windmill. If the windmill is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or maintain the windmill.

20. No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.

B. Solar Energy Systems

1. The installation and construction of a solar energy systems shall be subject to the following development and design standards:
  - a. A solar energy system is permitted in all zoning districts as an accessory use.
  - b. A solar energy system shall provide power for the principal use and/or accessory 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, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

- c. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
- d. A solar energy system may be roof mounted or ground mounted.
- e. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
- f. The height of a ground mounted solar systems shall not exceed the following:
  - 1) Residential: 15 feet
  - 2) Commercial and Industrial: 20 feet
- g. The surface area of a ground mounted system regardless of the mounted angle shall be included as part of the overall impervious lot coverage. The maximum impervious lot coverage of solar energy systems shall not exceed:
  - 1) Residential: Ten (10) percent of the allowable lot coverage or 770 square feet, whichever is less.
  - 2) Commercial and Industrial: Five (5) percent of the allowable lot impervious coverage.
- h. A ground mounted system or system attached to an accessory building shall not be located within the required front yard setback.
- i. The minimum solar energy system setback distance from the property lines shall be fifteen feet (15').
- j. The number of solar panels and supporting equipment shall be considered as one solar energy system.
- k. All 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. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen. In lieu of a planting screen a decorative fence meeting the requirements of the Zoning Ordinance may be used.
  - 2) Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
  - 3) Mechanical equipment shall be set back at least ten (10) feet from the rear and side property lines.
- l. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

- m. Solar panels shall not be placed in the vicinity of an Airport in a manner that would interfere with airport flight patterns.  
Acknowledgement from the Federal Aviation Administration may be required.
- n. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
- o. 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 prevailing sign regulations.
- p. A solar energy system shall not be constructed until a building permit has been approved and issued.
- q. Certifications and Inspections.
  - 1) A windmill shall not be constructed until a building permit has been approved and issued per the PA Uniform Construction Code (UCC).
  - 2) All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.
  - 3) Prior to commencement of construction on any windmill the property owner must acknowledge that he/she is the responsible party for owning and maintaining the windmill. If the windmill is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or maintain the windmill.
- r. The solar energy system shall comply with all applicable Township ordinances and codes so as to ensure structural integrity of such solar energy system.
- s. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system. If the solar energy system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or maintain the solar energy system.
- t. Removal of Solar Energy Systems.
  - 1) Any solar energy system which is in a state of disrepair and has not been active and in continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

2) All structures and enclosures accessory to the solar energy system shall also be completely removed from the property to a place of safe and legal disposal.

C. Outdoor Wood-Fired Boilers

1. Minimum Acreage. No person shall install an outdoor wood-fired boiler except on parcels of land greater than three (3) acres.
2. Setbacks. No person shall install an outdoor wood-fired boiler unless it is installed at least 150 feet from the nearest property line.
3. Permits Required. No person shall install or operate a new or existing outdoor wood-fired boiler unless a building permit is obtained from the responsible official. Property owner or authorized agent must obtain a building permit for a new outdoor wood-fired boiler prior to installation with all applicable fees established by Spring Township resolution. Certification of compliance with Phase 2 outdoor wood-fired boiler standards shall be submitted with application. A site plan and other information shall accompany the application as required by the responsible official.
4. Other Regulations. For other regulations relating to the installation and operation of outdoor wood-fired boilers, consult Chapter 10, Part 3 (Health and Safety, Outdoor Wood-Fired Boiler Ordinance) of the Code of Ordinances of the Township of Spring.

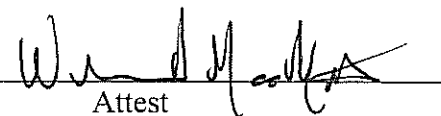
**ORDAINED AND ENACTED** into an Ordinance and passed by the Board of Supervisors of Spring Township on this 5<sup>th</sup> day of April, 2010.

Spring Township Supervisors

  
\_\_\_\_\_  
Terry Perryman, Chairman

  
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David Capperella, Vice Chairman

  
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Frank Royer

  
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Attest