

**WASHINGTON TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE 2025-03

**AN ORDINANCE AMENDING THE WASHINGTON TOWNSHIP ZONING ORDINANCE
PROVIDING DEFINITIONS AND REGULATIONS FOR SOLAR ENERGY SYSTEMS
WITHIN THE TOWNSHIP**

SECTION 1. AUTHORITY

The Board of Supervisors of Washington Township, and under, and by virtue of and pursuant to the authority granted by, does hereby enact and ordain this Ordinance as authorized by Act 247, Pennsylvania Municipalities Planning Code.

SECTION 2. APPLICABILITY

- A. An Accessory Solar Energy System constructed prior to the effectiveness of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES, whether existing prior to the effective date of this Section that materially alters the size, replacement of the ASES shall require compliance with the provisions of this Ordinance.

- B. A Principal Energy Solar System (PSES) constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modifications to an existing PSES whether existing prior to the effective date of this Section that materially alters the PSES, shall require approval under this Ordinance.

- C. Routine maintenance or like-kind replacements do not require a permit.

SECTION 3. PURPOSE

The purpose of this Ordinance is to promote the use of solar energy and to provide for the land planning, installation and construction of solar energy systems in Washington Township, subject to reasonable conditions that will protect the public health, safety and welfare of Township residents.

SECTION 4. ARTICLE II DEFINITIONS: Section 203, Specific Words and Phrases, of the Washington Township Ordinance is amended to add the following definitions in alphabetical order. The following words, terms and phrases, when used in this Ordinance, unless indicated otherwise, shall have the following meanings ascribed to them:

FINANCIAL SECURITY – A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier’s check, or escrow account from a federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommissioning cost and in a form satisfactory to the municipality and municipal Solicitor.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY FACILITIES: Solar energy systems either as part of a structure (“Accessory”) or as an independent structure (“Principal”) providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints:

ACCESSORY SOLAR ENERGY SYSTEM (ASES) – An area of land or other area used for a solar collection system principally to capture solar energy and convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar 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.

GLARE – The effect produced by light with an intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) – An area of land or other area used for a solar collection system 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 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 right, expressed as an easement, restriction, covenant, or condition, in any deed, contract or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar systems.

SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic (PV) cell, module, panel or array or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SOLAR ARRAY – A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL – The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE – A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SECTION 5. SECTION 303 RURAL RESIDENTIAL ZONE (R)

- A. Uses by Right: is hereby amended to add: Accessory Solar Energy Systems
- B. Uses by Special Exception: is hereby amended to add: Principal Solar Energy Systems

SECTION 6. SECTION 304 WOODLAND PRESERVATION ZONE (W)

- A. Uses by Right is hereby amended to add: Accessory Solar Energy Systems
- B. Uses by Special Exception is hereby amended to add: Principal Solar Energy Systems

SECTION 7. Section 401 of the Zoning Ordinance, Accessory Uses And Structures d) Solar Energy Systems, is to be removed in its entirety and replaced with the following:

- A. **Permitted Zones:** Accessory Solar Energy Systems (ASES) shall be permitted as a Use by Right in all zones.
- B. **Compliance with Industry Standards:** 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 Corporations (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organization, and shall comply with this Ordinance, shall comply with the PA Uniform Construction Code as enforced by and with all applicable fire and safety regulations. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.
 - i. All on-site utilities, transmission lines, and plumbing shall be placed underground to the greatest possible extent.
 - ii. The ASES shall be designed to use all energy created solely on site.
 - iii. Signage shall comply with the minimum size required by applicable industry standards.
 - iv. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- C. **Installers:** ASES installers must demonstrate that they are listed as a certified installer on the PA Department of Environmental Protection's (PA DEP) approved solar installer list or that they meet the criteria to be a PA DEP approved solar installer by meeting or exceeding one of the following requirements for Photovoltaic (PV) installation:
 - i. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - ii. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturers training program and successfully installed a minimum of three PV systems.

iii. For residential applications, a registered home improvement contractor with the Attorney General's office.

D. Maintenance: Upon completion of installation, the ASES shall be maintained in accordance with standards of Washington Township and any other code under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Washington Township in accordance with applicable ordinances.

E. Utility Notification: The owner of an ASES shall give written confirmation to the public utility and to Washington Township that the 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.

F. Signage: The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

G. Glare: All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

i. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through citing or mitigation.

H. Permit Requirements:

i. Zoning/Building Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property including property lines. Permits shall be kept on the premise where ASES is constructed.

ii. The Zoning/Building Permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

iii. The ASES 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. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

iv. Routine maintenance or like-kind replacements do not require a permit.

I. Roof Mounted and Wall Mounted Accessory Solar Energy Systems

i. Location and Height:

a. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

- b. Roof mounted solar panels shall be located only on rear or side facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street facing roof, where the solar energy system can perform effectively.
- c. The total height of a building with an ASES shall not exceed by more than five (5) feet the maximum building height specified for principal or accessory buildings within the applicable zoning district.
- ii. Setbacks:
 - a. Wall mounted ASES shall comply with the setbacks for principal or accessory buildings in the applicable zoning district.
 - b. Solar panels shall not exceed beyond any portion of the roof edge.
- iii. Code Compliance:
 - a. For roof and wall mounted systems, the applicant shall provide evidence that the plans shall comply with the Uniform Construction Code and adopted building code of Washington Township and that the roof or wall can hold the load imposed on the structure.

J. Ground Mounted Accessory Solar Energy Systems

- i. Setbacks:
 - a. The minimum setbacks from side and rear property lines shall be equivalent to 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 prohibited in front yards unless unique physical circumstances or conditions exist that preclude it from being located in a side or rear yard. Such physical conditions may include, but are not limited to, restricted solar access in other yards, other resource constraints, unusual situation of the principal use of the parcel, etc.
 - d. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the applicable zoning district.
- ii. 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 following components of an ASES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 2. All mechanical equipment of ASES including any structure for batteries or storage cells.
 3. The applicant shall submit a stormwater management plan that demonstrates stormwater from the ASES will infiltrate into the ground beneath the ASES at a rate equal to that of the infiltration rate prior to the placement of the system. ASES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.
- c. Ground mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any manner that would alter or impede stormwater runoff from collecting in a construed stormwater conveyance system.
 - d. If a ground mounted ASES is removed, any earth disturbance as a result of the removal of the ASES shall be graded and reseeded.

SECTION 8: Section 420 is hereby added to the Township Zoning Ordinance to provide definitions and regulations for Principal Solar Energy Systems (PSES) and shall read as follows:

A. Applicable Regulations

- i. Applicable Regulations PSES shall be permitted as a Special Exception in all zones.
- ii. 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 any existing PSES, whether existing prior to the effective date of this Section that expands the PSES, shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- iii. 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 this Ordinance and with all other applicable fire and safety regulations. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- iv. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.

- v. The owner of a PSES shall provide the Township with 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 connection system and approval of such connection was made. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Township prior to the issuance of a Certificate of Use and Occupancy for the PSES.
- vi. If a PSES is being used as an accessory use for commercial/industrial activities, then Washington Township shall be informed of the intent of the PSES.
- vii. Signage shall comply with the minimum size required by applicable industry standards. No PSES shall contain or be used to display advertising.
- viii. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
- ix. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

B. General Provisions for Ground Mounted Principal Solar Energy Systems

- i. The PSES shall meet the lot size requirements of the applicable zoning district.
- ii. The PSES shall comply with the setback requirements of the applicable zoning district.
- iii. The PSES shall comply with the building height restrictions for principal buildings of the applicable zoning district.
- iv. Coverage
 - a. The area beneath the ground mounted PSES 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 following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district.
 - 1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - 2. All mechanical equipment of PSES including any structure for batteries or storage cells.
 - 3. Gravel of paved access roads servicing the PSES shall be considered impervious.

v. Stormwater

- a. The applicant shall submit a stormwater management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.
- b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.

vi. Screening

- a. Ground mounted PSES shall be screened from any adjacent property that is used for residential purposes. The screen shall consist of plant materials which provide a visual screen.
- b. In lieu of a planting screen, a fence that provides visual screening and meets the requirements of the Zoning Ordinance may be used.

vii. Easements

- a. Where a subdivision or land development involves the use of solar energy systems, 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 and shall run with the land benefited and burdened and shall be defined by conditions stated in the instrument of conveyance. Instruments creating solar easements shall include, but not be limited to:
 1. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours on specified dates during which direct sunlight to a specified surface or structural design feature may not be obstructed.
 2. Restrictions on the placement of vegetation, structures and other objects which may impair or obstruct the passage of sunlight through the easement.
 3. Enumerate terms and conditions, if any, under which the easement may be revised or terminated.
 4. Explain the compensation for the owner of the real property subject to the solar easements for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If required, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreements with adjacent property owners.

viii. Fencing

- a. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight (8) foot high chain-link fence with a locking gate or as designated by the Township.

ix. Warning Sign

- a. A 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. 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.

x. Emergency Management

- a. An Emergency Management Plan, consistent with the standard operating practices of the industry shall be developed by the PSES owner/operator and furnished to the Township, the local fire company and the York County Office of Emergency Management prior to the issuance of a building permit.

xi. Access Drives

- a. Access drives are required to allow for maintenance and emergency management vehicles. A minimum twenty-five (25) foot wide access road must be provided from a state or township roadway into the site. A minimum twenty-foot (20) wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles. Cartway width is the distance between the bottom edges of a solar panel to the top edge of the solar panel directly across from it.

xii. Lighting

- a. Lighting shall not be permitted except to the extent required for security or by applicable federal, state, or local authorities.

xiii. Removal

- a. If a ground mounted PSES is removed, any earth disturbance as a result of the removal must be graded and reseeded.

xiv. 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 twelve (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 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 or 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.

C. General Provisions for Roof Mounted Principal Solar Energy Systems (PSES)

- a. The owner shall provide evidence that the plan shall comply with the Uniform Construction Code and adopted building code of Washington Township and that the roof is capable of holding the load imposed on the structure. An application for roof-mounted PSES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the PSES.
- b. PSES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
- c. Roof mounted solar panels shall be located only on rear or side facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street facing roof, where the solar energy system can perform effectively.
- d. Solar panels shall not extend beyond any portion of the roof edge.
- e. The PSES owner and/or operator shall maintain a phone number and identify a person 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.

SECTION 9. Section 801 of the Zoning Ordinance, Permits, is amended by adding Subsection d.) “Administration and Enforcement” and shall read as follows:

A. Applications

- i. 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.
- ii. The permit shall be revoked if the solar energy system, whether new or pre-existing, 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.
- iii. The solar energy system must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, in an unsafe condition or detrimental to public health, safety or general welfare.
- iv. 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

- i. The Applicant shall pay all permit application fees and inspection fees when seeking approval of a solar energy system under this Ordinance. Such fees shall be set by Resolution.
- ii. The applicant shall, prior to receiving an approved permit, reimburse Washington Township for any actual fees or costs incurred arising out of or related to the Application. Costs shall include, but not be limited to, engineering, zoning officer, Building Code Official, and legal fees.

C. Modifications

- i. Washington Township may grant modifications 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.
- ii. 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 provisions or provision of the Ordinance involved and the minimum modification necessary.

D. Enforcement

- i. Upon receipt of a written complaint setting forth the existence of unauthorized construction, modification or use in violation of this Ordinance, or other notice thereof, Washington Township Zoning Officer or Solicitor shall cause written notice to be given either personal service or registered or certified mail to the Applicant of the property upon which the violation exists, to immediately cease the construction, modification or

unauthorized use of the solar energy system. Such a written notice shall be required to enforce the remedies set forth in this section. Washington Township shall still be entitled to give verbal notice for defective systems as authorized in this Ordinance.

- ii. Upon failure of such Applicant to comply as directed in said notice, the Zoning Officer or Solicitor may appear on behalf of the Township and initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate.
- iii. Any Applicant who shall violate the provisions of this Ordinance shall upon being found liable in a civil enforcement proceeding by Washington Township before a District Magistrate, pay a fine of not less than Five Hundred Dollars (\$500) plus all court costs, including attorney fees incurred by Washington Township. Each day a violation exists and is continued shall constitute a separate offense as determined by the District Magistrate.
- iv. In addition, Washington Township shall be entitled to recover from the Applicant all Township costs or fees arising out of or related to the application or enforcement of this Ordinance.

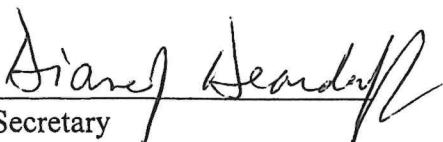
SECTION 10: REPEALER. The provisions of any prior ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 11: SEVERABILITY. The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause, or part of this ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, section, sentence, clause, or part of this Ordinance. It is hereby declared to be the intent of the Township that such remainder of the Ordinance shall be and shall remain in full force and effect.

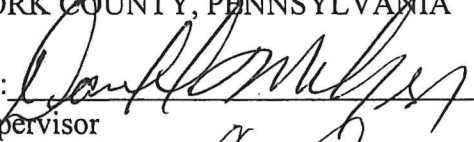
SECTION 12: EFFECTIVE DATE. This Ordinance shall be effective immediately following its enactment.

ENACTED AND ORDAINED this 15 day of December, 2025.

Attest:


Secretary

WASHINGTON TOWNSHIP
YORK COUNTY, PENNSYLVANIA

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor