

**TOWNSHIP OF KEATING**  
**MCKEAN COUNTY, PENNSYLVANIA**

ORDINANCE NO.114

**AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT OF A SOLAR ENERGY SYSTEM; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN REQUIREMENTS FOR THE NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF KEATING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.**

WHEREAS, the Board of Supervisors of Keating Township recognizes the growing interest in solar energy systems for residential, commercial, and utility-scale purposes; and

WHEREAS, the Board of Supervisors desires to establish reasonable regulations to allow for the development of solar energy systems while protecting the health, safety, and welfare of Township residents; and

WHEREAS, the Board of Supervisors finds it necessary to ensure that solar energy systems are properly sited, constructed, maintained, and decommissioned to minimize adverse impacts on neighboring properties, the environment, and Township infrastructure; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of Keating Township to adopt standards for the permitting, operation, and decommissioning of solar energy systems; and

WHEREAS, the Board of Supervisors has the authority to enact this ordinance pursuant to the Pennsylvania Second Class Township Code and other applicable laws.

1. Solar System Permit Required

From and after the effective date of this ordinance, it shall be unlawful for any person, association of persons, business, or corporation to erect, construct, alter or make additions to any solar system within the limits of the Township of Keating without first obtaining a Solar System Permit and receiving approval from the Keating Township Supervisors.

## 2. Building, Sewage, and Required Permits

An approved Solar System Permit is required before building permits, sewage permits, or other required permits may be applied for.

## 3. Definitions:

The following definitions apply to the solar energy system use:

**SOLAR ENERGY SYSTEM, PRINCIPAL** – A system consisting of one or more freestanding ground or roof-mounted solar panels, solar related equipment, and accessory structures and buildings including but not limited to light reflectors, concentrators, heat exchangers, and substations, and used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power for off-site use(s).

**SOLAR ENERGY SYSTEM, ACCESSORY** – A system consisting of one or more freestanding ground or roof-mounted solar panels, solar related equipment, and accessory structures and buildings including but not limited to light reflectors, concentrators, heat exchangers, and substations, and used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power for on-site use(s) but is not the principal use of the land.

**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 power.

**SOLAR RELATED EQUIPMENT** – Solar photovoltaic cell, module, panel or array; solar hot air or water collector device panels, lines, pumps; batteries; battery storage systems, mounting brackets, framing and other structural foundations.

## 4. Application Requirements

### 5. Application for solar permit for the solar energy system shall include:

A site plan:

showing all lot lines; adjacent lots, their owners, improvements and easements; and existing and proposed on-site improvements.

demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of Ordinances related to parking, landscaping and signage; and

demonstrating compliance with a Stormwater Management Plan

Glare analysis demonstrating, through siting or mitigation measures, that any glare produced by the solar energy system will not have an adverse impact.

Manufacturer specifications for the key components of the solar energy system. If not available at the time of submission of the application, this information shall be submitted at the time of application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of site development, whichever occurs first.

Written confirmation that the public utility to which the solar energy system will be interconnected agrees to and has approved of the interconnection. If not available at the time of submission of the application, this information shall be submitted at the time of application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of site development, whichever occurs first.

Written confirmation that a certified installer listed on the Pennsylvania Department of Environmental Protection's approved solar installer list or demonstrated equivalent will install the solar energy system and identifying the certified installer.

Any written solar easements existing or intended to be entered prior to the issuance of the solar permit. Note: The solar permit for the solar energy use does not create or establish any rights to remain free of shadows or obstructions caused by use and development of adjacent lots, including growth of natural vegetation or planting and growth of landscaping. The issuance of the solar permit does not create or establish any obligation or right of the Township to enforce private solar easements submitted with the application.

The solar energy system shall meet the minimum lot size requirement of two acres.

The solar energy system shall be no closer than 300 feet from the lot line of an adjacent lot improved with a dwelling or an unimproved lot in a residential area; provided that the setback shall not apply to a shared property line of properties hosting a single solar energy system. The required vegetation buffer and screening shall be located no closer than 300 feet from the property line, and the required perimeter fence shall be located behind the buffer, on the interior side.

An access drive meeting the requirements of the Township of Keating shall be provided. The interior of the solar energy system shall be improved with interior travel aisles sufficient in location, dimension and construction to allow access by maintenance vehicles and emergency management vehicles.

The solar energy system shall be improved with lighting only to the extent required for safety.

A buffer no less than 25 feet in depth shall be required along (i) any public road frontage and (ii) any lot line adjacent to a lot improved with a dwelling or an unimproved lot in a residential zoning district, provided that the buffer along a lot line shall not apply to lots hosting a single solar energy system. Where the siting of the solar energy system requires the buffer to be sited in the immediate proximity of a public road, the required buffer shall be measured from the existing right-of-way or from the minimum future right-of-way, whichever is larger.

The required perimeter fence shall be placed on the inside of the required buffer.

The buffer shall be planted to establish a visual screen meeting the following requirements:

The buffer shall be designed to provide a natural looking visual element, including a mix of species and spacing. Monotonous rows of plantings and the use of a single or repeated species of plantings is discouraged. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.

Required plantings shall be primarily of species native to Pennsylvania and appropriate to the conditions of the lot, including but not limited to wet or shaded areas or within or adjacent to impervious surfaces. Plantings shall be resistant to disease, road salt and air pollution and be attractive and sturdy. All plantings shall be of symmetrical growth and free of insect pests and disease.

Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height. An average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer; provided, however, the deciduous shade trees may be clustered or spaced unevenly to provide a natural looking visual element. If healthy trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) exist within the buffer, they shall be preserved to the maximum extent feasible to meet the same purposes as the new plant screening. Shrubs shall be a minimum of 36 inches at the time of planting.

Required plantings shall be:

planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and properly protected by distance or other devices against damage from vehicles.

The planted visual screen shall be continuous, except for vehicle or pedestrian ingress and egress sited perpendicular to the buffer; locations necessary to comply with sight distance requirements; locations needed to meet other specific State, Township and utility requirements, such as storm water swales.

On-site transmission lines shall be placed underground to the maximum extent feasible.

Layout, design and installation of the solar energy system shall conform to applicable industry standards, including American National Standards Institute (ANSI), Underwriters Laboratories (UL), American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL) or other similar certifying organizations and shall conform to the Pennsylvania Uniform Construction Code.

The solar energy system shall at all times be maintained and kept in good working order and repair.

The owner and operator of the solar energy system shall post in a prominent location current information identifying the person to contact with inquiries or complaints and his/her toll free telephone number, and shall provide this information to the Township Secretary.

#### 5. Decommissioning

The owner and operator of the solar energy system shall notify the Township immediately upon the cessation and/or abandonment of the solar energy system. Cessation and/or abandonment shall be presumed if no power is generated for a period of one year. No later than one year following cessation and/or abandonment, the solar energy system shall be decommissioned. Decommissioning means that solar panels, solar related equipment and transmission lines except electric and associated communication lines buried more than 36" below grade shall be removed and the site restored to a natural condition.

A. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Solar Energy Facility within (12) twelve months after the end of the useful life of the Facility. The Solar Energy Facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

B. Decommissioning shall include removal of solar panels, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Keating Township after the first year of operation and every fifth year thereafter. The Applicant is responsible for all costs including and related to the Professional Engineer's decommissioning estimate.

E. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; Provided, that at no point shall Decommissioning Funds be less than seventy five percent (75%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Keating Township.

F. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Keating Township.

G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 17(A), then the landowner shall have six (6) months to complete decommissioning.

H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 17(A) and 17(G), then Keating Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Keating Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that Keating Township may take such action as necessary to implement the decommissioning plan.

I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

#### 6. Permit Fee

Each application for a Solar System permit shall be accompanied by a permit fee in an amount as established from time to time by resolution of the Board of Supervisors.

#### 7. Issuance or Denial of Permit

Upon receipt of any application for a Solar System Permit, the Township shall act thereon within 10 days, provided the applicant has submitted complete information as required by this ordinance. The application will first be reviewed by the Township Engineer or a hired engineer designated for Solar System Permit reviews. Upon approval by the Township Engineer and the Board of Supervisors, the Township Secretary shall immediately issue the applicant a Solar System Permit. If a permit is denied, the applicant shall be given a statement, in writing, setting forth the reasons for the denial.

#### 8. Request for Review Hearing

If a permit is denied, the applicant may request a review hearing within 15 days after receiving notice of this request. The applicant shall be given at least 5 days written notice of the hearing. Within 10 days following the date of such hearing, the applicant shall be notified, in writing, of the determination of the Board of Supervisors.

#### 9. Inspection of Premises

The Supervisors may, at any time before or after the completion of the construction of any Solar System project for which a Solar System Permit has been granted, inspect the premises. If there is evidence that the ordinance has not been complied with, a Supervisor shall so notify the party, who shall be given sufficient time to remedy the situation. If thereafter, no compliance still exists, prosecution under the penal provisions of this ordinance shall be commenced.

## 10. Local Emergency Services

The Applicant shall provide a copy of the project summary and the site plan to local emergency services, including paid or volunteer Fire Department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Solar Energy System.

### 911 Address Requirement:

A. Purpose: To ensure that all Solar Energy Facilities have a designated 911 address for emergency response and public safety purposes.

B. Applicability: This requirement applies to all Solar Energy Facilities, including new constructions and existing facilities within Keating Township, McKean County, Pennsylvania.

C. Procedure: The Facility Owner or Operator shall apply for a 911 address through the appropriate county or local addressing authority prior to the commencement of construction. The application shall include detailed site plans, the exact location of the facility, and any other information required by the addressing authority. The Facility Owner or Operator shall provide a copy of the assigned 911 address to the Township within thirty (30) days of receipt.

D. Posting of Address: The assigned 911 address shall be clearly posted at the entrance to the Solar Energy Facility. The address shall be visible and legible from the public roadway. The Facility Owner or Operator shall maintain the visibility and legibility of the posted address at all times.

## 11. Penalties

Any person, group of persons, firm, business, or corporation who shall violate any provision of this ordinance, or the rules, regulations or standards promulgated thereunder, or resists or interferes with any officer, agent, or employee of the Township acting in the performance of their duties, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

12. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The invalid portion shall be deemed severed, and the remainder of the Ordinance shall remain in full force and effect.

EFFECTIVE DATE:

This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Keating, McKean County, Pennsylvania, this 10th day of July, 2025.

TOWNSHIP OF KEATING

ATTEST:



Secretary

KEATING TOWNSHIP



Supervisor



Supervisor



Supervisor