

4/28/2026 6 p.m. Newberry Township Board of Supervisors meeting
Steven M. Toomey, 160 Cragmoor Road, York Haven, PA 17370
Comments

1. Resolution 2026-14.
 - a. Section 1 Residential Development fee should be determined by the size of the project, not a subjective determination by the Township Manager, i.e. \$5,000 or as high as I can make it to discourage you from doing it. As stated, this could be as low as 2-3 lots.
 - b. The same comments applies to the other two categories.
 - c. The term "fee them to death" comes to mind when I read this resolution.
 - d. What funds were being used to pay these "reasonable professional consultant costs incurred by the Township previously? It seems like we are doing a major cost shift from tax funded inherent Township responsibility to a "pay to play" mentality where the township residents have a fee for everything. In the future will I need to establish a Police Response Escrow fund for them to investigate a theft on my property?
 - e. Who determines reasonableness? If "professional consultants" know there is an open the door cost of \$5000, you can pretty much guarantee that will be the new minimum cost for a thorough review.
 - f. Section 8 states any unused escrow funds shall be returned to the applicant following the final application and payment of all outstanding invoices. The word "after" does not have any timeliness defined. Is that 30 days or 30 years. There needs to be some accountability put on the Township management and Leadership to act promptly and provide a reasonable expectation to residents.
2. Fee Schedule
 - a. Is Residential Land Development defined somewhere?
 - b. Are Minor and Major Stormwater defined somewhere? Why does a minor Stormwater plan pay the same as a Major Stormwater plan? If they are so different why only 2 inspections for the large one?
 - c. What is the difference between a Zoning Hearing and Zoning Hearing board? Aren't they the same thing? If the hearing goes long are you going to stop the proceedings and have the applicant write another check during the meeting when the balance hits \$1250 expended?
 - d. Why is a Speedway permit still only \$100 ?
 - e. Under building Fees – Escrow closeout fee is utterly ridiculous! If you need absolutely need this amount of money to close out an escrow account you should at least hide it in the application fee. This is like going to the bank and having to pay them for the pleasure of withdrawing your own money!
 - f. Again under Building Fees—What is a Degradation Fee and where is it defined in a Township Ordinance?

Again, my biggest concern with this escrow Resolution is that it appears to be shifting the cost from the Township to the residents, and there is no transparency on what the costs might be.

The lesser concern is that anytime the escrow balance drops to 50% the process stops. Who is tracking this on a daily basis? Who will be 'riding herd' on the "professional consultants" to submit invoices in a timely manner? How quickly must the applicant be notified? How much time does the applicant have to refill the escrow once notified? What about time limitations on the approval processes for planning board and Board of Supervisors approvals? These are difficult now to meet the timeline hoops? Applicants may be penalized through no fault of their own when the Township doesn't track expenditures in a timely manner and notify applicants and applicants may be forced to start the whole process over again when the mandated gates aren't met.

NEWBERRY TOWNSHIP

YORK COUNTY, PENNSYLVANIA

RESOLUTION NO. 2026-14

**A RESOLUTION ESTABLISHING A PROFESSIONAL REVIEW
ESCROW POLICY FOR SUBDIVISION, LAND DEVELOPMENT,
ZONING HEARING BOARD APPLICATIONS, AND RELATED MATTERS**

WHEREAS, the Board of Supervisors of Newberry Township is authorized under the Pennsylvania Municipalities Planning Code (MPC), Act 247, as amended, to review subdivision, land development, and zoning applications and to retain professional consultants; and

WHEREAS, the Township incurs costs associated with the review of such applications, including engineering, legal, planning, traffic, and other professional services; and

WHEREAS, the Board of Supervisors finds it necessary and appropriate to ensure that such costs are reimbursed by applicants and not borne by Township taxpayers;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Newberry Township as follows:

SECTION 1. Establishment of Escrow Account

All applicants for subdivision, land development, zoning hearing board matters, and related applications shall establish and maintain an escrow account to cover professional consultant review costs incurred by the Township.

SECTION 2. Initial Escrow Deposit

The initial escrow deposit shall be as follows:

- Residential Development: \$5,000 or greater, as determined by the Township Manager
- Commercial / Industrial Development: \$10,000 or greater, as determined by the Township Manager
- Large or Complex Projects: \$15,000 or greater, as determined by the Township Manager

Additional escrow amounts for zoning hearing board applications and other matters shall be as established in the Township Fee Schedule.

SECTION 3. Use of Escrow Funds

Escrow funds shall be used to pay all reasonable and necessary professional consultant costs incurred by the Township, including but not limited to engineering review, legal services, planning services, traffic engineering, environmental review, and zoning hearing board proceedings, including advertising and stenographic services.

SECTION 4. Replenishment of Escrow

If the escrow balance is reduced to fifty percent (50%) of the original deposit, the applicant shall replenish the escrow account to the required level within ten (10) calendar days of written notice from the Township.

SECTION 5. Suspension of Review and Proceedings

Failure to maintain the required escrow balance shall result in suspension of application review, processing, inspections, and approvals, and/or continuation, postponement, or suspension of hearings or proceedings, including zoning hearing board matters, until such time as the escrow account is replenished.

SECTION 6. Additional Escrow Deposits

The Township reserves the right to require additional escrow deposits at any time based on the complexity, scope, or duration of the application, review, or proceedings.

SECTION 7. Reasonableness of Fees

All professional fees charged against escrow accounts shall be reasonable and consistent with customary charges for similar services in the region and in accordance with the Pennsylvania Municipalities Planning Code.

SECTION 8. Refund of Excess Funds

Any unused escrow funds shall be returned to the applicant following final action on the application and payment of all outstanding invoices.

SECTION 9. Fee Schedule

Application fees and escrow amounts shall be as established by the Township Fee Schedule, as amended from time to time by resolution of the Board of Supervisors.

SECTION 10. Applicability

This Resolution shall apply to all new applications submitted after its effective date and, where permitted by law, to existing applications.

SECTION 11. Effective Date

This Resolution shall take effect immediately upon adoption.

DULY ADOPTED, this ___ day of _____, 2026, by the Board of Supervisors of Newberry Township, York County, Pennsylvania.

ATTEST:

**NEWBERRY TOWNSHIP
BOARD OF SUPERVISORS**

Aaron Schwartz, Secretary

Mario Eckert, Chairman

(SEAL)

NEWBERRY TOWNSHIP – 2026 FEE SCHEDULE

Planning & Zoning

PLANNING & ZONING		
Description	Fee	Notes
Residential Sketch Plan Application	\$250.00	
Residential Sketch Plan Engineering/Legal Escrow	\$500.00	
Non-Residential Sketch Plan Application	\$250.00	
Non-Residential Sketch Plan Engineering/Legal Escrow	\$1,000.00	
Minor Subdivision Plan Application	\$275.00	
Minor Subdivision Engineering/Legal Escrow (≤4 lots)	\$750.00	4 lots or less
Subdivision/Land Development Filing Fee	\$750.00	
Residential Land Development Escrow	\$5,000.00	Replenish at 50%
Commercial/Industrial Land Development Escrow	\$3500.00-\$10,000.00	Managers discretion / Replenish at 50%
Major/High-Impact Development Escrow	15000+	\$15000.00+ Manager discretion Replenishment at 50%
Engineering Inspection Fee		10% of financial security (minimum \$500, maximum \$20,000; replenish at 20%)
Stormwater Application Fee	\$35.00	
Minor Stormwater Escrow	\$300.00	
Major Stormwater Escrow	\$1,000.00	
Stormwater Inspection Fees	\$300.00	2 inspections
Zoning Hearing	\$850.00	*Plus all costs in excess of base fee, as allowed by the MPC.
Zoning Hearing Board Escrow	\$2,500.00	Initial deposit; used to cover all reasonable and necessary costs of the hearing including legal, engineering, advertising, and stenographic services; replenish at 50%
Conditional Use	\$750.00	*Plus all costs in excess of base fee, as allowed by the MPC.
Zoning Change Request	\$1,000.00	
Building Code Appeals		York County Schedule
Recording Fees		Actual cost charged by the courthouse for recording.

License Fees

LICENSE FEES		
Description	Fee	Notes
Mobile Home Park Permit	\$50.00	+\$20 per pad
Junkyard License <45k sq ft	\$150.00	

NEWBERRY TOWNSHIP – 2026 FEE SCHEDULE

LICENSE FEES		
Junkyard License >45k sq ft	\$400.00	
New Junkyard License	\$600.00	
Junkyard Inspection	\$50.00	
Peddler License	\$12.50	per week
Chicken Permit	\$25.00	Initial (\$20 renewal)
Speedway Permit	\$100.00	
Sexually Oriented Business License	\$1,500.00	
Sexually Oriented Business Employee	\$150.00	
Background Check	\$30.00	per person

Building Fees

BUILDING FEES		
Description	Fee	Notes
Building Permit Application	\$35.00	
Building Permit		8.50 per 1000 (min 35)
Permit Renewal	\$35.00	
Electrical/Plumbing/Mechanical	\$35.00	each
Zoning Permit	\$35.00	Accessory structures; principal structures may be higher as determined by Township
Driveway Permit	\$35.00	
Road Cut Permit	\$90.00	Per road opening
Street Opening Escrow	\$2,500.00	Minimum; required prior to work; used for inspection/admin/emergency repair
Degradation Fee	\$10.00	Per square yard
Restoration Bond	\$100.00	Per square yard; refundable upon acceptance
Driveway Reinspection Fee	\$75.00	Per failed inspection
After-Hours / Emergency Inspection	\$150.00	Per inspection outside normal hours
Escrow Closeout Fee	\$150.00	Final accounting and reconciliation
Note		All road openings are subject to Township inspection and must comply with Township restoration standards. Failure to properly restore may result in forfeiture of the restoration bond.
Erosion & Sediment	\$35.00	
Demolition Permit	\$35.00	
State Fee	\$4.50	

NEWBERRY TOWNSHIP – 2026 FEE SCHEDULE

BUILDING FEES		
Road Encroachment		PennDOT Schedule
Sewer Lateral Inspection	\$100.00	
3rd Party Inspection		Per Administrator

Recreation Fees

RECREATION FEES		
Description	Fee	Notes
Residential	\$1,600.00	per unit or lot (whichever is greater)
Commercial/Industrial		1600 per acre OR per 2000 sq ft
Non-residential		1600 per acre
Pavilion Rental (Resident)	\$50.00	per day
Pavilion Rental (Non-Resident)	\$100.00	per day
Ball Field Rental	\$25.00	per day
Ball Field (Org)	\$300.00	per season
Concession Stand	\$25.00	per day
Concession (Org)	\$250.00	per season

Septic Fees

SEPTIC FEES		
Description	Fee	Notes
New system / repair / modification	\$363.00	Repair limited to septic tank replacement or absorption area replacement; modification limited to expansion or enlargement of an existing absorption area.
Repair / holding tank	\$291.50	Includes replacing broken pipes, installing new pipes, tank replacement, pump modification, or adding hardware changing treatment from anaerobic to aerobic.
Minor repair permit	\$248.00	Includes baffle replacement, riser installation, pipe repair, float controls, replacing cracked lids, and gas deflectors/solids retainers.
Soil probe	\$165.00	Includes 1st probe; each additional probe on same visit \$154.00
Percolation test	\$451.00	Holes dug by applicant or contractor; each additional set done on same visit \$385.00
SEO hourly work	\$115.50	Planning activities and related work not otherwise covered; per hour

NEWBERRY TOWNSHIP – 2026 FEE SCHEDULE

SEPTIC FEES		
Field work / inspections / plot plans / real estate letters	\$115.50	
Request for septic tank pumping interval extension	\$137.50	
Holding tank annual inspection / report / tracking	\$143.00	
Additional inspections		per ordinance
Additional inspections / enforcement	\$115.50	Construction inspections, malfunction investigations, enforcement activities and related work billed per hour by the SEO.
OLM inspections	\$148.50	Per ordinance requirements

Right to Know

RIGHT TO KNOW		
Description	Fee	Notes
Black & White copies	\$0.25	Per page; single-sided copy or one side of a double-sided standard 8.5 x 11 page.
Color copies	\$0.35	Per page; requester may ask for black-and-white even if original is color.
Certification	\$5.00	Per document; each document requires a separate certification fee.
Records delivered via email		No fee
CD/DVD		Not Available
Flash drive		Actual Cost
Facsimile	\$0.25	Per page; if Township must print records to send them by facsimile.
Other media		Actual Cost
Redaction fee		No fee
Duplication and conversion to paper	\$0.25	Per page; fees must be reasonable and based on prevailing local duplication rates.
Photographing a record		No fee; if redaction is required, Township may impose fee for a black-and-white or color copy.
Non-standard copies		Actual Cost
Postage		Actual Cost
Statutory fees		If a separate statute authorizes a set amount, Township may charge no more than the statutory amount.
Inspection of redacted records		Township will redact non-public information and may charge for copies made for inspection.

NEWBERRY TOWNSHIP – 2026 FEE SCHEDULE

RIGHT TO KNOW		
Enhanced electronic access		User fees may apply only for enhanced access beyond standard inspection/duplication rights.
Limitations		No other fees may be imposed unless necessary and reasonable; no fee for Township review to determine public record status.
Pre-payment		Prepayment may be required when estimated fees exceed \$100; certified check or money order payable to the Township.
Flash drive / media		Actual Cost

Misc Fees

MISC FEES		
Description	Fee	Notes
Dump Fees	\$35.00	per truckload
Newberry Township Books		Unavailable
Zoning Ordinance	\$35.00	
Zoning Map	\$8.00	
Subdivision and Land Development Ordinance	\$35.00	
Township Map	\$5.00	
Comprehensive Plan	\$50.00	
Bad Check Fee	\$50.00	

General Provisions

GENERAL PROVISIONS
*Plus all costs in excess of base fee, as allowed by the MPC.
Cost of transcription for any hearing utilizing a stenographer is the responsibility of the requesting party.
Engineer and Attorney fees shall be charged at the same hourly rate charged for other services rendered to the Township.
Escrow funds shall be used to pay all reasonable and necessary professional consultant review costs.
Failure to maintain escrow balances shall result in suspension of review, processing, inspections, and approvals.
All professional review fees shall comply with MPC Section 503.
All reasonable and necessary costs associated with zoning hearing proceedings, including but not limited to legal, engineering, advertising, and stenographic services, shall be paid by the applicant from the escrow account.

NEWBERRY TOWNSHIP – 2026 FEE SCHEDULE

GENERAL PROVISIONS

The Township reserves the right to require additional escrow deposits based on the complexity of the application or hearing.

Failure to maintain required escrow balances may result in continuation, postponement, or suspension of proceedings until such time as escrow is replenished.

Escrow replenishment shall be required within ten (10) calendar days of written notice.

All professional fees shall be reasonable and consistent with customary charges for similar services in the region, in accordance with the Pennsylvania Municipalities Planning Code.

Any outstanding balances shall be paid in full prior to the issuance of any permits, approvals, or decisions.

Unpaid fees may be subject to collection efforts, including the imposition of attorney's fees and costs for collection and lien enforcement, where permitted by law.

§ 214-12. Key box.

- A. A key box shall be required for all commercial, industrial, and institutional structures, and for all common facilities within multifamily residential structures, as well as any other structure required by the Pennsylvania Uniform Construction Code. The key box shall be a Knox-Vault as approved in writing by the Fire Chief. No other key box manufacturers shall be permitted. All key boxes shall utilize a "swinging hinged door;" "drop doors" shall not be permitted. Applications for purchase can be obtained from the Code Enforcement Officer or Fire Chief and must be completed and returned with appropriate payment.
- B. General specifications for key box installations:
- (1) The key box shall be installed on the address side of the building, within sight of and no more than 10 feet from the main entrance and clear from any obstructions.
 - (2) The key box shall be mounted at a height of four feet from finished grade to the center of the box.
 - (3) Each box may be marked with a red reflective sign having the words "KNOX BOX" on the sign in four-inch white lettering at the discretion of the Fire Chief.
 - (4) The key box shall be attached to the building with through bolts and may be surface mounted or shall be recessed on existing buildings being retrofitted. Recessed key boxes shall be installed on all new buildings.
 - (5) The key box may have an optional tamper switch, wired on a separate zone, that will activate a trouble alarm if anyone tampers with the box. If such tamper switch is used, it should be connected to the security system. Under no circumstances shall the tamper switch be connected to the fire alarm system.
 - (6) The key box shall contain the following: all keys and/or access codes that may be required to gain entry into all locations within the building, emergency contact information, hazardous materials information, and building layout or site plan. All information shall be kept current.
 - (7) Owner shall contact the Code Enforcement Officer to schedule a site visit to confirm the location of the key box prior to installation.
 - (8) The key box shall be properly installed and shall be inspected by the Code Enforcement Officer prior to issuance of an occupancy permit.
- C. Supplemental key boxes shall be installed in the rear of all buildings that are:
- (1) Over 100 feet in length or width or both; and/or
 - (2) Of such size, construction, location or occupancy use as may be deemed by the Fire Chief, in their discretion, to require an additional key box to serve the premises.
- D. Exceptions to the aforementioned installation specifications may be obtained from the Fire Chief based upon building configurations or circumstances which are not addressed within this article.

- E. The information contained in the key box shall be provided to the applicable fire companies and the Township. The Fire Chief may require additional relevant information be provided and kept on file for the facility. The information shall be annually reviewed with the facility manager or person in charge to ensure all information is up to date and current.
- F. Any facility which handles, uses, or stores hazardous materials and are required to prepare an emergency services material safety data sheet (MSDS) or hazardous chemical inventory form under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) shall install a Knox-Box[®] document cabinet. Such cabinet must contain all pertinent, updated information regarding the hazardous materials, emergency evacuation plans, and current emergency responders list along with any keys, access cards, or codes to permit entry into all areas of the facility.
- G. The Fire Chief may mandate the use of Knox FDC (fire department connections) plugs and caps in areas where vandalism affects private hydrants and/or sprinkler and standpipe connections.
- H. Key boxes, as described in this article, which were in existence and installed prior to the enactment of this article, shall be exempt from the new requirements insofar as they will not be required to move their then current key box if it does not meet the Ordinance. The requirements of this article shall be enforced where or when the box needs construction or replacement.
- I. All applicable existing buildings and facilities shall install all required key boxes within 180 days from date of effect of this article.

WHEREAS, the Newberry Township, York County, Pennsylvania, has determined that it needs an ordinance requiring the use of key lock boxes, also commonly referred to as Knox Boxes, to protect the health, safety, and welfare of the Township residents and businesses.

WHEREAS, a key lock box provides access to the building for fire departments and other emergency service providers during emergencies.

WHEREAS, the Board of Supervisors finds this lock box ordinance to be in the best interest of the health, safety, and welfare of the residents of Newberry Township and the general public.

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Newberry Township, York County, Pennsylvania, as follows:

1. **SHORT TITLE.**

This Ordinance shall be known and referred to as the Newberry Township Lock Key Box Ordinance.

2. **DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated.

Automatic Detection System

Any engineered system, device, equipment, mechanical, or electrical, or a battery-operated arrangement to activate an alarm or signal of a police, fire, hazard, or medical emergency,

requiring urgent attention and to which police, fire units, or EMS personnel are expected to respond.

Auto Suppressing System

An engineered system that automatically detects a fire, activates and suppresses a fire by the application of an extinguishing agent through fixed piping and a nozzle

Building Code Officer

The duly constituted municipal official designated to administer and enforce building and zoning within Newberry Township.

Building Owner

The record owner of any improved real estate within Newberry Township, including, but not limited to, individuals, businesses entities of any nature, unincorporated associations, and ownership in any form.

Commercial Building

A building, structure, or facility that is not a residential building.

Emergency Management Agency

An agency designed to plan and prepare for any form of disaster that threatens the well-being of any person or location.

Emergency Management Coordinator

An individual who is responsible for technical and administrative duties that help emergency management programs for institutions such as municipalities, private companies, and government agencies and more.

Fire Chief

The designation of the MOU to provide Emergency Fire Services to Newberry Township, at any given time, whether public, private, or volunteer.

Fire Department

All members and equipment of the Goldsboro Fire Co., Newberry Township Fire Co., and Susquehanna Fire Co. or additional Departments/resources that follow under the same principles.

Key Lock Box

A high-security key lock box system designed to give firefighters and Emergency services personnel have immediate access to the locked building and other secured areas.

Key Knox-Box

A high-security key lock box system manufactured by Knox Company, designed to give firefighters and emergency services personnel's immediate access to the locked building and other secured areas.

Manager

The Township Manager

Medical Emergency

An emergency involving the health of a person or persons.

Multifamily Dwelling

A building containing three (3) or more dwelling units, including, but not limited to apartment houses and condominiums.

Police Department

Members of the Newberry Township Police Department, or additional departments/resources that follow under the same principles.

Township

The township of Newberry, York County, Pennsylvania. If any of the definitions prescribed herein should conflict with any other definitions within the Code of Ordinances of Newberry Township, these definitions shall be construed to apply only to this Ordinance. All other terms used in this Article shall have the meaning given to them in the Code of Ordinances of Newberry Township. Any term not defined within the Code of Ordinances of Newberry Township shall be given its plain and common meaning.

3. Requirements

A key lock box shall be required for all structures within the township having an automatic detection system and/or an automatic suppression system that are secured in a manner that restricts access during an emergency, including but limited to commercial, industrial, multi-family residential structures that have restricted access through a locked door or have a common corridor for access to the living units, governmental structures, health-care facilities, schools, churches, factories, warehouses, businesses, restaurants and places of public assembly, as well as any structure required by the Pennsylvania Uniform Construction Code. The key lock box shall be an Underwriters Laboratory type and approved by the Township Manager or designee. The key lock shall be equipped with a lock that can be opened only with a key issued to the Township Manager or designee. Emergency vehicles will be equipped with a single key held in a special security device. The owner of the structure shall not be able to open the lock box. All key lock boxes shall utilize a swinging hinged door; a drop door shall not be permitted. Single-family residential dwellings with independent means of ingress and egress shall be exempt from this requirement.

4. General Specifications for Key Lock Box Installations.

A. The key lock box shall be installed on the address side of the building or in such other location required and approved by the Director of Public Safety or Fire Chief, within sight of and no more than ten (10) feet from the main entrance.

B. The key lock box shall be mounted at a height of between five (5) and six (6) feet from finished grade to the center of the box.

C. The key lock box shall be attached to the building with through bolts and may be surface-mounted or recessed, provided that the key lock box is clearly marked.

D. The key lock box may have an optional tamper switch, wired on a separate zone that will activate a trouble alarm if anyone tampers with the box.

E. The key lock box shall contain all keys, key cards, and access codes and/or fobs to lock ports of entrance, whether on the interior or exterior of the structure; keys, key cards, access codes and/or fobs to locked mechanical equipment; keys, key cards, access codes and/or fobs to locked electrical rooms; keys, key cards, access codes and/or fobs to elevator controls; keys, key cards, access codes and/or fobs to any fenced or secured area; keys, key cards, access codes and/or fobs for any fire alarm control panels; floor plans of the rooms within the structure denoting any utility disconnects or controls, fire alarms panels or controls and any hazardous materials stored in the structure; emergency contact information including contact person(s) list with names), phone numbers), and home address. Emergency contact information shall be kept current. If the contents of the key lock box must be added or removed, arrangements shall be made with the Director of Public Safety or the Fire Chief to visit the structure to open the box, inspect the change in contents, and lock the box.

F. The building owner(s) shall contact the Director of Public Safety during regular office hours to schedule a site visit before installation to ensure the proposed location meets the requirements set forth herein, and provide additional location if required at the discretion of the Director of Public Safety or Fire Chief.

G. Upon completion of installation, the building owner(s) shall contact the Director of Public Safety during regular office hours to

arrange for the owners(s) of the structure to be visited by a member of the Fire Department to inspect the key lock box and install the access keys and any other requirements set forth herein.

H. Multiple lock boxes may be required at the discretion of the Director of Public Safety or Fire Chief.

5. Time period for installation of key lock boxes

All applicable existing buildings and facilities shall install all required key lock boxes within three hundred and sixty-five (365) days from the enactment date of this Ordinance. All newly constructed structures subject to this Ordinance shall have the key lock box installed and operational prior to the issuance of an occupancy permit by the Building Code Official.

6. Contact Person

The owner of each structure required to have a key lock box shall provide a list of multiple contact persons (day/night), indicating the name(s), phone number(s), and home address to the Director of Public Safety. This information shall also be placed into the key lock box. The owner of the structure will immediately provide the Director of Public Safety with any change to the list of contact persons.

7. Enforcement.

Any person who violates or permits a violation of this Article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 and not more than \$1,000, plus all costs of prosecution, including, but not

limited to, attorneys' fees, and default of payment thereof, shall be imprisoned for a term not to exceed thirty (30) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of the Ordinance that is violated shall also constitute a separate offense.b

8. Effective Date.

**NEWBERRY TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. ___-2024

**AN ORDINANCE OF NEWBERRY TOWNSHIP, YORK
COUNTY, AMENDING THE TOWNSHIP’S CODE OF
ORDINANCES TO PROVIDE REGULATIONS FOR
ACCESSORY SOLAR ENERGY SYSTEMS (ASES) AND
PRINCIPAL SOLAR ENERGY SYSTEMS (PSES).**

WHEREAS, Newberry Township, York County, Pennsylvania (“**Township**”) is a second class township duly organized and existing under the Second Class Township Code, 53 P.S. §35101 *et seq*;

WHEREAS, the Township is empowered by the Second Class Township Code and the Municipalities Planning Code, 53 P.S. § 10101 *et seq*, to regulate the use of property and the conservation of energy through access to and use of renewable energy resources within the Township;

WHEREAS, the Township has previously adopted a Zoning Ordinance, which is codified in Chapter 308 of the Township of Newberry Code of Ordinances (“**Code**”) and a Zoning Map which is incorporated in the Code;

WHEREAS, the Township believes it to be in the best interest of the health, safety and well-being of the residents of the Township to provide regulations for Accessory Solar Energy Systems (ASES) and Principal Solar Energy Systems (PSES) in Chapter 323 of the Code.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township, as follows:

SECTION 1: The Code shall be amended by adding a new Chapter 323, titled “Solar Energy”.

SECTION 2: The Code shall be amended by adding a new §323-1, titled “Short title”, as follows:

§ 323-1 Short Title.

This Chapter shall be known as the “Newberry Township Solar Energy Ordinance of 2024.”

SECTION 3: The Code shall be amended by adding a new §323-2, titled “Purpose”, as follows:

§323-2 Purpose.

The purpose of this chapter is to promote health, safety and welfare within the Township by providing regulations for Accessory Solar Energy Systems (ASES) and Principal Solar Energy Systems (PSES).

SECTION 4: The Code shall be amended by adding a new §323-3, titled “Definitions”, as follows:

§323-3 Definitions.

For the purposes of this Part the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ACCESSORY SOLAR ENERGY SYSTEM (ASES)

(Often referred to as residential solar, but does not rule out commercial installations) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power the majority of which is 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. A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one hundred and twenty-five percent (125%) of normal peak on-site energy demand.

APPLICANT

The individual or entity seeking approval for a solar energy system pursuant to this Chapter. The owner of the real property upon which the solar energy system shall be erected, as well as the Applicant, shall be responsible for compliance with this Chapter.

BOARD

The Board of Supervisors of Newberry Township.

CODE

The Township of Newberry Code of Ordinances.

PRINCIPAL BUILDING

A building or structure in which is conducted in the principal use of the lot on which the building or structure is located.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

(Also referred to as Solar Farms or Commercial Solar Facilities) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing

ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical inverters; electrical infrastructure; battery storage; on-site transmission lines; and other appurtenant structures. Off-site transmission lines will not be considered part of the PSES for the purposes of zoning applications, but must be shown on land development plans submitted for approval.

SOLAR EASEMENT

A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY

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

SOLAR ENERGY OVERLAY DISTRICT

This overlay district was created by the Newberry Township Solar Energy Ordinance of 2024 and is identified on the Newberry Township Zoning Map, and may be amended as needed in the future.

SOLAR ENERGY SYSTEM

A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

- **SOLAR ARRAY**

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

- **SOLAR MODULE**

A grouping of solar cells with the purpose of harvesting solar energy.

- **SOLAR PHOTOVOLTAIC CELL**

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

SOLAR RELATED EQUIPMENT

Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, storage batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection, storage, and transmission of solar energy.

SECTION 5. The Code shall be amended by adding a new §323-4, titled “Accessory Solar Energy Systems (ASES)”, as follows:

§ 323-4 ACCESSORY SOLAR ENERGY SYSTEMS (ASES).

ASES shall be permitted in all zones as an accessory use secondary to the primary use of a property, upon receipt of a use certificate to be issued by the Zoning Officer, so long as all of the following criteria are met:

A. All ASES must adhere to the following performance standards:

- (1) ASES with an aggregate collection and/or focusing area of 100 square feet or less are exempt from these terms and conditions.
- (2) ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Chapter. Any physical modification to an existing ASES, whether or not existing prior to the effective date of this Section, must adhere to the provisions in Section 403.42 of the Uniform Construction Code concerning permit requirements and exemptions.
- (3) Upon installation, the ASES shall be maintained in good working order in accordance with standards of the Township provisions under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement action by the Township. The Township may perform the services required and charge the owner appropriate fees or costs. Nonpayment of these fees or costs may result in a municipal lien against the property.
- (4) The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
- (5) Solar panels shall be located to minimize glare on adjacent properties or streets. The Township may require reasonable corrective actions after installation of the ASES to eliminate glare to adjacent residences or streets which causes a risk to public health or safety.
 - (a) The Township may require a glare study to be completed and submitted with the final land development plan and then again six months after operation of the ASES.
- (6) All on-site transmission and plumbing lines shall be attached flush to the Solar Array racking system or placed underground to the extent feasible. Any off-site transmission lines must be placed within legal rights-of-way, and proof of the right-of-way shall be provided to the Township prior to land development plan approval. Privately-owned off-site transmission lines proposed to be in a public street right-of-way shall require Township approval and a right-of-way agreement with provisions indemnifying the Township from all liability related to the transmission lines.
- (7) 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.

- (8) Each ASES and all other solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- (9) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of six (6) continuous months.

B. Ground Mounted Accessory Solar Energy Systems.

- (1) ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - (a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - (b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- (2) For residential applications, the ASES installer must also be a registered home improvement contractor with the Pennsylvania Attorney General's office.
- (3) The owner of a ground mounted ASES shall provide the Township written confirmation that the public utility company to which the ASES will be connected and has been informed of the customer's intent to install a grid connected system and approval of such connection. Off-grid systems shall be exempt from this requirement.
- (4) The minimum setbacks from side and rear property lines shall be equivalent to the building setbacks in the applicable zoning district.
- (5) Ground mounted ASES are prohibited in front yards.
- (6) Freestanding ground mounted ASES solar panels shall not exceed the applicable maximum height requirements in the underlying zoning district.
- (7) The following components of an ASES shall be considered impervious coverage and shall be included as part of the impervious coverage limitations for the underlying zoning district:
 - (a) Foundation systems for ASES, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - (b) Any impervious foundations installed for accessory mechanical equipment of the ASES, including any foundation structure to hold batteries or storage cells.

- (c) Gravel or paved access roads and parking areas servicing the ASES.
- (8) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- (9) The applicant shall demonstrate compliance with the Newberry Township Stormwater Management Ordinance, Chapter 23 of the Code. ASES owners are encouraged to use low-maintenance and/or low-growing native species and pollinators under the system as a best management practice for stormwater management, or other acceptable vegetation and/or pollinators acceptable to the Township.
- (10) No grass or weeds shall be permitted at any time to exceed 12 inches in length or height from the surfaces under or surrounding the ASES. Any noxious weeds, as listed on Pennsylvania's Noxious Weed Control List (as amended), shall be immediately eradicated and removed.
 - (a) A violation of this provision also constitutes a violation of the Township's Weed Control provisions and the Township has the power to enforce this provision as set out in chapter 143, §§143-5 and 143-6, of the Code. Additionally, the Township may perform the eradication and removal services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
- (11) Ground mounted ASES shall not be placed within any legal easement or right-of-way location unless agreed to by easement or right-of-way holder.
- (12) If a ground mounted ASES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be returned to an environmentally stable condition. All development, including but not limited to panels, fencing, roadways and placement of aggregate, shall be removed unless other arrangements have been approved by the Township in writing.
- (13) Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- (14) 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 these provisions.

C. Roof Mounted and Wall Mounted Accessory Solar Energy Systems.

- (1) A roof mounted or wall mounted ASES may be located on a principal or accessory building.

- (2) ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for buildings within each of the applicable zoning districts.
- (3) Wall mounted ASES shall comply with the building setbacks in the applicable zoning districts.
- (4) Solar panels shall not extend beyond any portion of the roof edge.
- (5) The applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

SECTION 6. The Code shall be amended by adding a new §323-5, titled “Principal Solar Energy Systems (PSES)”, as follows:

§ 323-5 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES).

PSES shall be permitted in the Solar Energy Overlay District as established by the Newberry Township Solar Energy Ordinance of 2024, upon receipt of a use certificate to be issued by the Zoning Officer, so long as all of the following criteria are met:

A. All PSES must adhere to the following performance standards:

- (1) PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Section. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section must adhere to the provisions in Section 403.42 of the Uniform Construction Code concerning permit requirements and exemptions
- (2) No person shall install or construct a PSES without first obtaining approval pursuant to the plan review procedures of Chapter 22 of the Code, Subdivision and Land Development.
- (3) The PSES layout, design and installation shall conform to good industry practice. “Good industry practice” shall mean the practices, methods, standards, and acts (engaged in or approved by a significant portion of the solar power industry for similar facilities in similar geographic areas that are similar in size and complexity) as the same may change from time to time, that, at a particular time, in the exercise of reasonable professional judgment in light of the facts known at the time a decision was made, would have been expected to accomplish the desired result in a manner consistent with applicable law, regulation, codes, good business practices, reliability, safety, environmental protection, economy, expedition, and shall comply with the PA Uniform Construction Code and with all other applicable fire and life safety requirements.
- (4) The application shall include a construction transportation plan that shows all roadways that will be utilized to access the site, which shall be forwarded to the Township for review and approval.

- (5) Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of the Township codes under which the PSES was constructed. Failure of the property owner to maintain the PSES in good working order is grounds for appropriate enforcement action by the Township in accordance with applicable ordinances or Code provisions. The Township may perform the services required and charge the owner appropriate fees. Nonpayment of these fees may result in a municipal lien against the property.
- (6) PSES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - (a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - (b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
 - (c) PSES installers of projects rated at 5 MW or greater must demonstrate that they have installed at least two (2) utility-scale solar projects in the last three (3) years.
- (7) All on-site AC transmission and plumbing lines shall be placed underground to the greatest extent feasible. DC transmission and plumbing lines may be attached flush to the Solar Array racking systems.
- (8) Any off-site transmission lines must be placed within legal rights-of-way, and proof of the right-of-way shall be provided to the Township prior to land development plan approval. Privately-owned off-site transmission lines proposed to be in a public street right-of-way shall require Township approval and a right-of-way agreement with provisions indemnifying the Township from all liability related to the transmission lines.
- (9) The owner of an PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected and has been informed of the customer's intent to install a grid connected system and approval of such connection. Off-grid systems shall be exempt from this requirement.
- (10) The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
- (11) Solar panels shall be located to minimize glare on adjacent properties or streets. The Township may require reasonable corrective actions after installation of the ASES to eliminate glare to adjacent residences or streets which causes a risk to public health or safety.

- (a) The Township may require a glare study to be completed and submitted with the final land development plan and then again six months after operation of the ASES.
- (12) A baseline noise study shall be performed and submitted to the Township during the land development phase, and another noise study shall be performed and submitted to the Township within six (6) months after commencement of operations. The noise study will be performed by an independent noise study expert approved by the Township and paid for by the Applicant. Noise from a PSES, as measured at the property lines, shall not exceed 45dBA or otherwise creates excessive noise which constitutes a nuisance as determined by the Township. The applicant will install mitigation measures acceptable to the Township to mitigate any noise exceedance identified by the study.
 - (13) Concerning tree removal and landmarks, the PSES owner and/or developer must comply with Chapter 22, §22- 516, Trees and Landmarks, of the Township's Code.
 - (14) No more than twenty percent (20%) of the entire area for development shall consist of Class II or Class III prime agricultural soils as defined by the current version of the Newberry Township Soils Map, unless agrivoltaic production will be used in which case the area for agrivoltaic production will not count as part of the twenty percent (20%) allowed development.
 - (15) The applicant shall include a dwelling rights chart on the land development plan, which identifies the number of dwelling rights on the property. Dwelling rights/development rights may not be transferred out from a property on which a PSES has been developed upon during the duration of the lease or subsequent leases.
 - (16) 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, and also post the same at the entrances to the PSES. The PSES owner and/or operator shall respond to the public's inquiries and complaints within seventy-two (72) hours of receipt of a complaint.
 - (17) An Emergency Response Plan shall be included with the land development plan application, which shall be reviewed and approved by the local fire and emergency services departments.
 - (18) Decommissioning requirements.
 - (a) The PSES owner shall provide an annual report by January 31 of each year showing the energy generated of the PSES for the preceding calendar year.
 - (b) If a PSES remains nonfunctional or inoperative for a continuous period of six (6) months, the facility shall be deemed to be abandoned and shall constitute a public nuisance, unless the facility operator demonstrates a good-faith intent to sell the facility. Within six months of abandonment, the facility operator shall remove the

system, after a demolition permit has been obtained, in accordance with the following:

- [1] Any aboveground mechanical equipment, wiring, and structural components shall be removed and disposed of in accordance with all legal requirements.
 - [2] Underground wiring and structural components shall be removed and disposed of in accordance with all legal requirements.
- (c) After a PSES has been determined to be abandoned or has been terminated by the PSES owner, the PSES owner must still secure the property pursuant to the applicable provisions of this Chapter until the PSES is completely decommissioned or returned to another allowed use.
 - (d) When the equipment comprising the PSES is removed, any disturbed earth as a result of the removal of the equipment shall be restored, graded and reseeded, or immediately returned to another allowed use.
 - (e) The PSES owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost), and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to obtaining a building permit for the PSES and the estimate shall then be updated and approved by the Township prior to occupancy of the PSES and every fifth year thereafter. Prior to the issuance of the building permit, the PSES owner shall post and maintain financial security in the amount of one hundred ten percent (110%) of the net decommissioning costs; provided that at no point shall the financial security be less than fifty percent (50%) of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the PSES owner. This financial security must be updated to the present value every five years.
 - (f) If the PSES owner fails to complete decommissioning within the required time period, then the landowner shall within six months complete decommissioning. The Township may draw on the financial security to reimburse the landowner or directly pay the decommissioning contractor for decommissioning costs upon the request of the landowner and submission of proof of costs in a form satisfactory to the Township.
 - (g) If neither the PSES owner nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. To the extent the Township incurs costs to rightfully perform any act in furtherance of 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 landowner and/or PSES owner for the excess costs and expenses, including reasonable attorneys' fees for collection, and such amounts shall be a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment plus an additional penalty of ten percent (10%) of the assessment.

- (h) Upon completion of decommissioning to the satisfaction of the Township, any remaining financial security shall be released to the PSES owner.

(19) Solar Easements.

- (a) If required, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
- (b) Solar easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- (c) Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar 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 of the day, 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] Enumeration of terms and conditions, if any, under which the easement may be revised or terminated;
- [4] Explanation of the compensation for the owner of the real property subject to the solar easement 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.

(20) Permit Requirements.

- (a) PSES shall comply with the Township subdivision and land development requirements in Chapter 22 of the Code. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations. The PSES shall require a building permit prior to any construction and an occupancy permit prior to any solar energy production.

- (a) The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition. Any changes to the configuration of the solar equipment, fencing or screening that involves greater than 10% of the PSES site shall require submission of a revised land development plan and building permit application for review and approval by the Township.

B. Ground Mounted Principal Solar Energy Systems.

(1) Regulations applicable to all ground mounted PSES:

- (a) The PSES shall meet the lot size requirements of the applicable zoning district.
- (b) PSES owners are encouraged to use low-maintenance and/or low-growing native species and pollinators under the system as a best management practice for stormwater management, or other acceptable vegetation and/or pollinators acceptable to the Township. The PSES shall also meet all requirements of Chapter 23 of the Code and any applicable Pennsylvania Department of Environmental Protection regulations for stormwater, including the FAQs for Chapter 102 Permitting for Solar Farms or successor guidelines and best management practices for solar farms.
- (c) No grass or weeds shall be permitted at any time to exceed 12 inches in length or height from the surfaces under or surrounding the PSES. Any Noxious weeds, as listed on Pennsylvania's Noxious Weed Control List (as amended), shall be immediately eradicated and removed.
 - [1] A violation of this provision also constitutes a violation of the Township's Weed Control provisions, Chapter 10, Part 1 of the Code, and the Township has the power to enforce this provision as outlined in §10-106 of the Code. Additionally, the Township may perform the eradication and removal services required and charge the owner appropriate fees. Nonpayment of these fees may result in a municipal lien against the property.
- (d) PSES shall be setback three hundred (300) feet from any residential district or residential use. Crops, in addition to fences and screening for a PSES, may be within the setback but must be at least twenty-five (25) feet from any adjacent property line or street right-of-way line.
- (e) Ground mounted PSES solar modules shall comply with the building height restrictions for principal buildings of the applicable zoning district, excluding lightning rods and above-ground transmission lines when required.
- (f) The following components of a PSES shall be considered impervious coverage and shall be included as part of the impervious coverage limitations for the underlying zoning district:

- [1] Foundation systems for PSES, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - [2] Any impervious foundations installed for accessory mechanical equipment of the PSES, including any foundation structure to hold batteries or storage cells.
 - [3] Gravel or paved access roads and parking areas servicing the PSES.
- (g) The total surface area of the impervious coverage on the property shall not exceed more than fifteen percent (15%) of the lot area.
 - (h) A land development plan for a PSES shall contain property line, fence and landscaping details showing compliance with this Chapter.
 - (i) Ground mounted PSES shall not be placed within any legal easement or right-of-way location unless agreed to by the easement or right-of-way holder.
 - (j) All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum six (6) foot high fence with a locking gate. This required fencing shall be of a type approved by the Board. Gates shall be placed in locations allowing adequate space for vehicles to pull-off any adjacent roadway to unlock the gate for access. Ground mounted PSES shall be screened from public roadways and any residential district or residential use as required by the Board.
 - (k) 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.
 - (l) Signage shall comply with the prevailing sign regulations.
 - (m) Access drives and internal service roads are required to allow for maintenance and emergency management vehicles. The minimum cartway width shall be no less than twenty-two (22) feet for both access road and internal service roads. All access drives and internal service roads must conform to the applicable standards set forth in the Township's Subdivision and Land Development Ordinance, Chapter 22 of the Code, §22-505, Street Design.
 - (n) If ground mounted solar equipment is removed, any earth disturbance as a result of the removal of the ground mounted solar equipment must be returned to an environmentally stable condition.
 - (o) The continuation of any agricultural or residential use, to include but not be limited to grazing to control vegetation or other agricultural or ecological practices to make beneficial use of the land underneath the solar arrays or any land not dedicated to the PSES, will be permitted as customarily incidental to and compatible with the PSES use, and shall not be considered a second principal use.

C. Roof and Wall Mounted Principal Solar Energy Systems.

- (1) The Applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.
- (2) PSES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for buildings within the applicable zoning district.
- (3) A roof mounted or wall mounted PSES may be located on a principal or accessory building.
- (4) Wall mounted PSES shall comply with the building setbacks in the applicable zoning districts.
- (5) Solar panels shall not extend beyond any portion of the roof edge.

SECTION 7. The Code shall be amended by adding a new §323-6, titled “Modifications”, as follows:

§323-6 Modifications.

The Board may grant modification of the requirements of one or more provisions of this Chapter 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 Chapter is observed. All requests for modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Chapter involved and the minimum modification necessary.

SECTION 8. The Code shall be amended by adding a new §323-7, titled “Enforcement”, as follows:

§323-7 Enforcement.

- A. The violation of any provision of this Chapter is hereby deemed a public nuisance. The Township is hereby authorized to enter upon private property and take all measures necessary to abate a deemed public nuisance under this chapter. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Township or designated contractor to enter upon the premises for the purposes set forth above. The costs incurred by the Township to abate a public nuisance, including attorney fees, shall be a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment plus a penalty of ten percent (10%) of the assessment.
- B. Any person, partnership, corporation, developer or landowner who or which has violated the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a magisterial district judge (formerly district

justice), pay a judgment of not more than six hundred dollars (\$600), plus all court costs, including reasonable attorney's fees incurred by the Township. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there has been a good faith basis for the person, partnership, corporation, developer or landowner violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

- C. In addition to the penalties prescribed in Subsections A and B, the Township may institute injunctive, mandamus or any other appropriate action or proceedings at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

SECTION 9: Any Ordinance, Code Chapter, or part inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

SECTION 10: In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Chapter, it being the intent of the Board of Supervisors that the remainder of the Chapter shall be and shall remain in full force and effect.

SECTION 11: This Ordinance shall become effective five (5) days following its enactment by the Board of Supervisors of Newberry Township, York County, Pennsylvania, as provided by law.

ORDAINED AND ENACTED ON THIS, THE ____ DAY OF _____, 2024.

ATTEST:

NEWBERRY TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman

**NEWBERRY TOWNSHIP,
YORK COUNTY, PA**

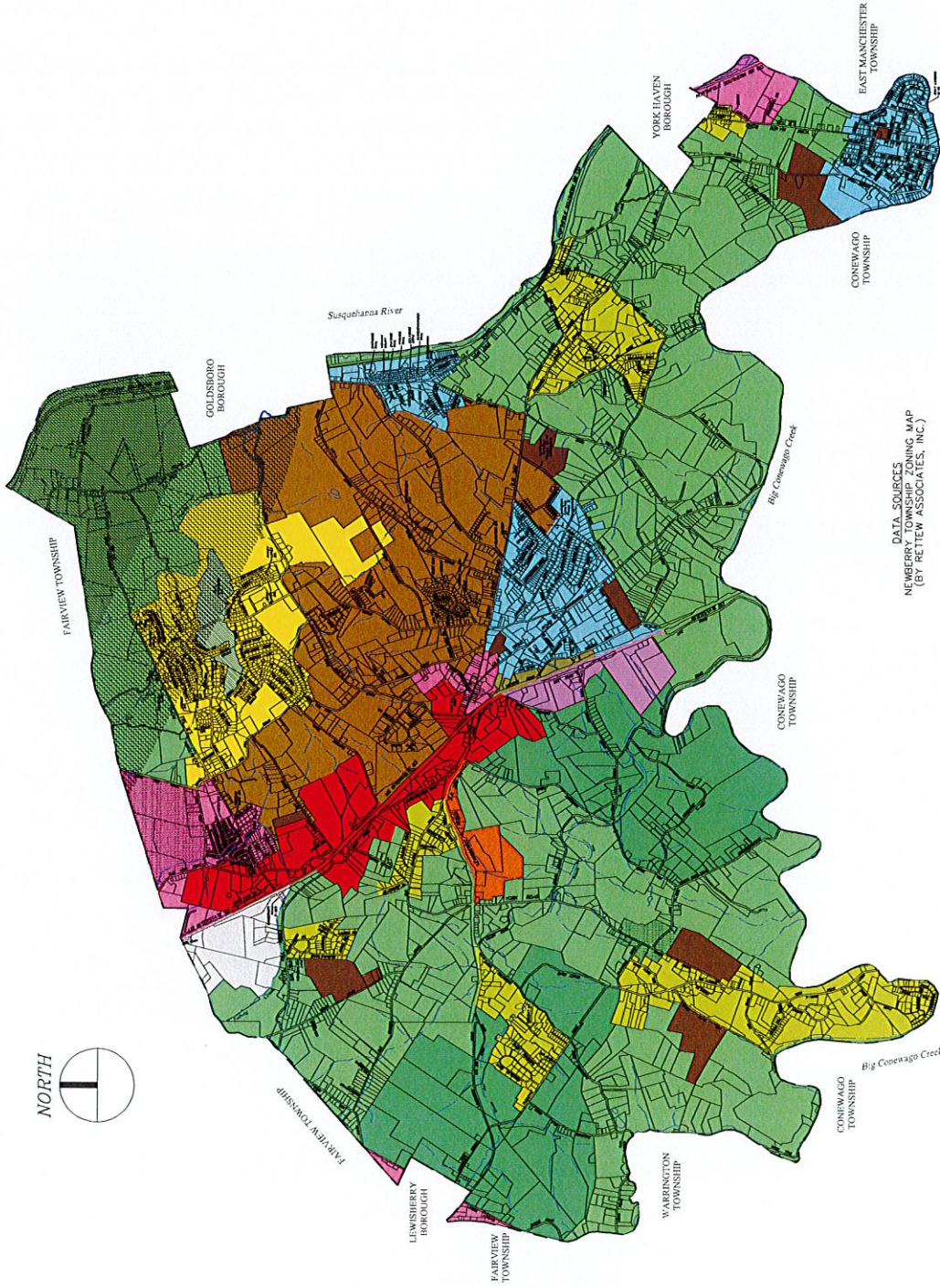
**ZONING MAP
JULY 25, 2006**

ZONING DISTRICTS LEGEND

	OPEN SPACE
	RESIDENTIAL GROWTH
	RESIDENTIAL HOLDING
	RURAL RESIDENTIAL
	SUBURBAN RESIDENTIAL
	RURAL COMMERCIAL OVERLAY
	RURAL RESOURCE
	AGRICULTURE
	MOBILE HOME PARK
	TRADITIONAL VILLAGE OVERLAY
	VILLAGE
	REGIONAL COMMERCIAL/OFFICE
	MIXED USE COMMERCE
	LIGHT INDUSTRIAL
	RURAL INDUSTRIAL
	COMMERCE CENTER
	GENERAL INDUSTRIAL
	AIRPORT HAZARD - HORIZONTAL SURFACE ZONE
	AIRPORT HAZARD - CONICAL SURFACE ZONE

REVISION DATES:

AUGUST 28, 2007 ORDINANCE NO. 340
 FEBRUARY 25, 2008 ORDINANCE NO. 357
 APRIL 23, 2012 ORDINANCE NO. 367
 JANUARY 23, 2018 ORDINANCE NO. 403



DATA SOURCES:
 NEWBERRY TOWNSHIP ZONING MAP
 (BY RETTEW ASSOCIATES, INC.)



Pennoni
 Pennoni Associates Inc.
 Engineers • Surveyors • Planners • Landscape Architects
 1215 Manor Drive, Suite 100, Mechanicsburg, PA 17055
 PH: 717-875-6481 FAX: 717-875-6480

Newberry Township Street Sweeper Comparison Workbook

The following workbook is being provided to the Board of Supervisors for review and discussion regarding the potential purchase of a used Elgin Whirlwind street sweeper. The Township is currently evaluating a 2016 Elgin Whirlwind located in Langhorne, PA with a negotiated purchase price of \$95,000. Comparable units currently listed online are included for cost comparison purposes.

Year	Price	Miles	Hours	Notes
2016 Elgin Whirlwind	\$95,000 (Negotiated)	51,901	4,938	Government fleet maintained, dual steer, hopper liner, local Pennsylvania unit.
2020 Elgin Whirlwind	\$195,000	15,955	1,318	Newest unit listed. Freightliner chassis, rear camera, full lighting package.
2015 Elgin Whirlwind	\$140,000	16,455	2,442	Dual steer, Freightliner M2 chassis, hopper liner.
2013 Elgin Whirlwind	\$115,000	38,500	7,300	Older Autocar chassis with higher operating hours.

Preliminary Observations

- The negotiated \$95,000 price for the 2016 unit appears competitive compared to other units currently listed online.
- The 2016 unit is approximately \$20,000 less than a comparable 2013 model currently listed online.
- The 2016 unit is approximately \$45,000 less than a comparable 2015 model.
- The 2016 unit is approximately \$100,000 less than a comparable 2020 model.
- The Langhorne location allows Township staff to inspect and evaluate the sweeper in person prior to any recommendation.

2016 Elgin Whirlwind - Langhorne, PA

Negotiated Price: \$95,000
51,901 Miles
4,938 Hours
Government fleet maintained
Dual steer and hopper liner

See below listing information provided with this workbook for additional specifications and photographs.

CVC

COMMERCIAL VEHICLES CENTER

2016 AUTOCAR XPERT ACMD

USD **USD \$109,950**

NEG \$95,000

Dealer Information [Big Oak Road](#)
Langhorne, Pennsylvania 19047



Commercial Vehicles Center
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Description

2016 AUTO CAR XPERT ACMD ELGIN WHIRLWIND SWEEPER TRUCK 51,901 Miles, Cummins diesel engine, GVWR 33,000. Elgin Whirlwind unit has 4,938 Hours on John Deere Engine, dual tilted gutter brooms, dual steering, hopper bed liner, and water system. One Owner and Government Fleet Maintain. We ship to the lower 48 states! Commercial Vehicles Center specializes in selling refurbished sweepers and vacuum trucks, at great value. We ship to the lower 48 States. Every sweeper that comes into our facility is refurbished. Our mechanics conduct thorough inspections to ensure each vehicle is fully functional and ready for use. As the largest sweeper facility in the Eastern United States region, we have over 70+ sweepers in stock. Additionally, we offer a wide selection of used parts for various brands, including Tycmo, Elgin, Schwarze, Nighthawk, Stewart-Amos, Sweeprite, Global, Johnston, and more. If you're interested in selling your used sweeper trucks, give us a call—we're ready to buy! If you have any issues with your sweeper truck, we would be glad to help you get it repaired at our facility. We also offer metal fabrication services. If you need a temporary replacement for your sweeper, we can provide you with a short-term sweeper rental or lease. Come in and take a look at our equipment today! Please call ahead to schedule an appointment. For more information about our sweepers for sale or wanna reach out, please visit sweeperforsale.com Specs Below General Specifications Measured sweeping path (with 36" side broom): Suction nozzle only 32 in. (813 mm) Suction nozzle and one

side broom 52 in. (1320 mm) Suction nozzle and extension broom 78 in. (1981 mm) Suction nozzle, extension, and one side broom 95 in. (2413 mm) Dual suction nozzles, side brooms and extension broom 144 in. (3658 mm) Blower Drive Fluid coupler and 5-groove banded power belt with adjustable idler pulley Blower Construction Hardox brand steel Blower Housing 10 gauge (3.4 mm) steel, rubber-lined for extended wear Vacuum Nozzle and Hoses Nozzle Width 32 in. (813 mm) Pickup Area 174 in² (1119 cm²) Construction Abrasion resistant steel components Hose Connection Quick disconnect type at lower area near vacuum nozzle Hose Construction Flexible rubber, steel reinforced Hose 11 in. (280 mm) inside diameter Side Broom Diameter 28 in (711 mm) WB Chassis Specific 36 in (914 mm) WB Chassis Specific Construction Steel plate Speed Constant Drive Hydraulic motor, protected by relief valve Mounting Free floating trailing arm Side Broom Cont. Motion Pneumatically inward/outward, raised/lowered Tilt Adjustment Inward/outward, forward/backward Digging Pressure/Wear Control Pneumatic in cab Type Segment set disposable Material Tempered steel wire Extension Broom Diameter 16 in. (406 mm) Length 54 in. (1372 mm) Speed Constant Drive Hydraulic motor, protected by relief valve Digging Pressure/Wear Control Pneumatic outside cab Lift Control Pneumatic from control panel Type Polypropylene prefab, disposable Location Center of sweeper Debris Hopper Volumetric Capacity 8.0 yd³ (6.0 m³) Floor Angle 10° Dump Angle 50° Construction 10 gauge (3.4 mm) steel sides and top, 1/4" gauge (6.4 mm) steel floor Lifting Double acting hydraulic cylinder Hopper Dump Door Hydraulic open/close and lock/unlock Full Load Indicator Weight actuated with in-cab warning light Hopper Screens Hinged, quick release, steel Safety Prop Steel bar under body and outside rear door Hopper Dumping Controls Push button on right side of unit In Cab Dumping Controls Standard Spray Water System Cont. Water System Capacity 335 gal. (1268 L) standard Pump Type Twin diaphragm with run-dry capability with HI and LO selectable pump speeds. System Flow 8 GPM (30 LPM) (2 - 4 GPM Pumps) System Pressure 40 PSI (2.8 bar) Spray Nozzles (Quick Disconnect Type) 7 inside each suction nozzle 4 at extension broom 3 at each side broom (36" broom) Controls On/off at control panel Filter 100 mesh, cleanable Anti-Siphon Fill Standard Hydrant Fill Hose 16 ft. 8 in. (5080 mm) with coupling Hydraulic System Purpose: Powers hydraulic motors on side broom, extension broom, and hopper cycle Hydraulic Pump Capacity 8.3 GPM (31 LPM) @ 2500 RPM, each section (16.6 GPM Total) Hydraulic Pump Direct gear driven, tandem type Reservoir Capacity 23 gal (87 L) Filter 10 micron, spin-on type with in-cab restriction indicator

Specifications

Year	2016	Manufacturer	AUTOCAR
Model	XPERT ACMD	Mileage	51,901 mi
VIN	516M1DB20GH220118	Condition	Used
Stock Number	VP220118	Engine Manufacturer	CUMMINS
Engine Model	ISB	Fuel Type	Diesel
Turbo	Yes	Transmission	Automatic
Gross Vehicle Weight Rating	Class 7: 26,001 - 33,000 pounds	Gross Vehicle Weight	33,000 lb
Front Axle Weight	12,000 lb	Rear Axle Weight	21,000 lb
Drive Side	Left Hand Drive	Power Steering	Yes
Cruise Control	Yes	Power Windows	Both
A/C	Yes	Heated Mirrors	Yes

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2020 Elgin Whirlwind

Asking Price: \$195,000

15,955 Miles

1,318 Hours

Freightliner chassis

Rear camera and full lighting package

See below listing information provided with this workbook for additional specifications and photographs.



2020 Elgin Whirlwind

STOCK #: C054873



Features:

- Machine Serial Number: MV41641
- Machine Engine Model & Type: John Deere 74hp
- Machine Miles: 15,955
- Machine Hours: 1,318
- Dual Side Brooms with Broom tilt
- Dual suction heads
- 8 Yard Cubic Yard Hopper
- Lifeliner Hopper Coating
- Wandering Hose with extensions
- John Deere 74hp Aux Engine
- Full lighting package
- Chassis Make: Freightliner M2 Chassis
- Chassis VIN #: 1FVACXFC0MHML0368
- Engine Make, Model & HP: Cummins
- Transmission Make, Model & Type: Allison
- Chassis GVWR: 32,000
- Rear camera
- Dual Convex mirrors

2015 Elgin Whirlwind

Asking Price: \$140,000
16,455 Miles
2,442 Hours
Dual steer
Freightliner M2 chassis

See below listing information provided with this workbook for additional specifications and photographs.



2015 Elgin Whirlwind

STOCK #: C049657



Features:

- SERIAL #: MV30771
- ENGINE: JD 4045
- HOURS: 2,442
- MILES: 16,455
- Dual Gutter Broom
- Variable Speed Gutter Broom Dual
- Side Broom Tilt Dual
- Auto Shutter Dual
- Hydraulic Wandering Hose
- 4â Aluminum Pipe Extension Rear Mt.
- Auxiliary Hydraulic Pump
- Hopper Deluge
- Hopper Life Liner
- Air Ride Seat Curbside
- High Pressure Front Spray Bar
- LED Stop/Turn/Tail
- Rear Strobe w/Guard
- Single Rear Flood Work light
- Hopper Inspection Door w/Step
- CHASSIS: 2016 Freightliner M2
- ENGINE: Cummins ISB 6.7L
- CHASSIS VIN #: 1FVACXDT4GHGW9299
- CHASSIS MILES: 16,455
- ENGINE HOURS: 2442
- TRANSMISSION: Allison 1000 HS automatic
- AXLE GVWR: 33,000
-
- Dual Steer

2013 Elgin Whirlwind MV

Asking Price: \$115,000

38,500 Miles

7,300 Hours

Autocar chassis

Higher operating hours

See below listing information provided with this workbook for additional specifications and photographs.



2013 Elgin Whirlwind MV

STOCK #: C051745



Features:

- Machine Serial Number: MV30188
- Machine Engine Model & Type: Elgin Whirlwind 2013
- Usage Information:
- Machine Miles: 38500
- Machine Hours: 7300
- Auto Lube
- Rear LED Arrowstick
- Dual Side Broom and Dual Nozzles
- Aux Hydraulic Pump
- Hopper Deluge
- Dual side broom tilt
- 17" Work Platform
- Turbo PreCleaner
- Variable speed side broom
- LED Strobes
- John Deere 4045 Engine
- Chassis Manufacturer: Autocar
- Engine Make, Model & HP: Cummins
- Transmission Make, Model & Type: Allison 2500
- Chassis Miles: 38500