

**EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 881**

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF EXETER ZONING ORDINANCE, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 390 OF THE EXETER TOWNSHIP CODE, BY REVISING SECTION 390-59.1 ENTITLED “SOLAR ENERGY SYSTEMS.”

PURSUANT TO THE AUTHORITY CONTAINED IN THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, 53 P.S. §§ 65101, ET SEQ., THE BOARD OF SUPERVISORS OF EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA DOES HEREBY ENACT AND ORDAIN, AS FOLLOWS:

WHEREAS, the current language of Section 390-59.1 of the Exeter Township Zoning Ordinance, “Solar Energy Systems,” is hereby stricken and the following is inserted as Section 390-59.1 “Solar Energy Systems”:

390-59.1-1. PURPOSE

The purpose of Section 390-59.1 is to regulate the use of solar energy and to provide for the land planning, installation, and construction of solar energy systems in Exeter Township, subject to reasonable conditions that will protect the public health, safety, and welfare.

390-59.1-2. APPLICABILITY

- A. This section applies to all applications submitted after the effective date of this ordinance to install and construct new solar energy systems.
- B. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- C. All upgrades, modifications, or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this ordinance. A “material” alternation shall mean any change outside of routine maintenance or like-kind replacement of components. OR A “material” alteration shall mean any change in size, type, or components of an existing solar energy system.

390-59.1-3. DEFINITIONS

The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them:

- A. **ACCESSORY SOLAR ENERGY SYSTEM (ASES)** – (Primarily Residential) A solar collection system used to capture solar energy, convert it to electrical energy or

thermal power, and supply electrical or thermal power for on-site use only. 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-supplied power or fuels. An ASES shall be located on the same lot as the principal building it serves.

- B. AGRIVOLTAICS - The co- development of the same area of land for both solar photovoltaic power and conventional agriculture
- C. GLARE - The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- D. PHOTOVOLTAIC (PV) - A semiconductor based device that converts light directly into electricity.
- E. PRINCIPAL SOLAR ENERGY SYSTEM (PSES) – (Primarily Solar Farms) A solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power for off-site use only. 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, heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures, occupying at least four (4) acres of land.
- F. SOLAR ARRAY - Two or more solar modules with purpose of harvesting solar energy.
- G. SOLAR CELL - The smallest basic solar electric device which generates electricity when exposed to light.
- H. SOLAR EASEMENT - 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.
- I. SOLAR ENERGY - Radiant energy (direct, diffuse, and/or reflective) received from the sun.
- J. SOLAR MODULE - Two or more solar cells with the purpose of harvesting solar energy.
- K. 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, water heating, and/or production of

electricity.

- L. SOLAR PHOTOVOLTAIC (PV) SYSTEM - A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.
- M. SOLAR RELATED EQUIPMENT - Items including a solar photovoltaic cell, solar module, solar panel, solar array, solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, foundations, or other structures used for or intended to be used for collection of solar energy.
- N. SOLAR SHINGLE – Solar panels that are integrated into the building roof and act as a building material.
- O. THIN-FILM SOLAR PANEL – Solar panels made by spreading silicon and other solar-producing materials in a very thin layer directly onto a substrate.

390-59.1-4. REGULATIONS FOR ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

A. WHERE PERMITTED

ASES shall be permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the permit pursuant to the requirements of this section and other applicable requirements of this Zoning Ordinance.

B. COMPLIANCE WITH INDUSTRY STANDARDS

ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI) or Underwriters Laboratories (UL), and shall comply with the PA Uniform Construction Code as enforced by Exeter Township, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

C. INSTALLERS

ASES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list

(accessible at https://www.dep.pa.gov/Citizens/Go_Green_PA/Pages/default.aspx) OR are electrical contractors with license and insurance requirements accepted by Exeter Township.

D. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of Exeter Township and any other codes under which the ASES was constructed as listed under Section 390-59. A-4(B). Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement action by Exeter Township in accordance with applicable ordinances.

The Township shall have the right at any reasonable time, to provide (24) hour notice to the applicant to inspect the premises on which any solar system is located.

If safety hazards conditions occur under the Occupation Safety and Health Administration (OSHA) and Interim Life Safety issues, the solar facility shall immediately notify the Township and Emergency Services. The applicant shall immediately shut down the solar system and not operate, start, or restart the solar system until the issues have been resolved and provide a written statement confirming that the issues have been addressed to Exeter Township Building Official/Zoning Official.

E. UNDERGROUND REQUIREMENTS

All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

F. UTILITY NOTIFICATION

The owner of an ASES shall provide Exeter Township with written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system. Off-grid systems shall be exempt from this requirement.

G. SIGNAGE

The display of advertising is prohibited except for reasonable identification of the manufacturer of the system. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

H. GLARE

- (1) All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- (2) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- (3) Solar panels shall be placed such that solar glare shall not be directed onto nearby properties or roadways. This includes ensuring no negative impacts along aircraft flight paths. Traffic safety and adjacent properties shall be protected from glare. An anti-glare coating must be used on the panels. When deemed appropriate, a report from the Building Code Official or a registered civil engineer may be required to address compliance.

I. DECOMMISSIONING

- (1) The solar energy system owner is required to notify Exeter Township immediately upon cessation or abandonment of the operation. The solar energy is presumed to be discontinued or abandoned if no electricity is generated by system for a period of 12 months.
- (2) Each ASES and all solar related equipment shall be removed within six (6) 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.
- (3) The ASES owner shall, within 15 days of Exeter Township's written request, provide information concerning the amount of energy generated by the ASES in the preceding 12 months.
- (4) The applicant shall prepare a Decommissioning Plan and submit it to the Engineering Department for review and approval prior to issue of demolition permit. Under this plan, all structures, concrete, piping, facilities, and other related materials above and below grade and any structures shall be removed and taken offsite for disposal. The ground must be regraded and reseeded to as natural condition as possible. Any drainage infrastructure on site, including drain tiles and ditches, damaged during the construction, operation and/or decommissioning of the solar facility will need to be restored to pre-existing conditions.

J. PERMIT REQUIREMENTS

- (1) Building permit applications shall document compliance with this Ordinance and shall be accompanied by detailed drawings to scale showing the location of the system on the building or property, including property and setback lines. Permits shall be kept on the premises where the ASES is constructed.

- (2) The building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- (3) The ASES must be properly maintained and be kept free from all hazards, including but not limited to faulty wiring, loose fastenings, or unsafe conditions, and shall not be detrimental to public health, safety, or the community's 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.
- (4) Prior to the issuance of a zoning/building permit, applicants must acknowledge in writing that the issuing of said permit does not create the right to prohibit the development on or growth of any trees or vegetation on adjoining properties.
- (5) Routine maintenance or like kind replacements do not require a permit.

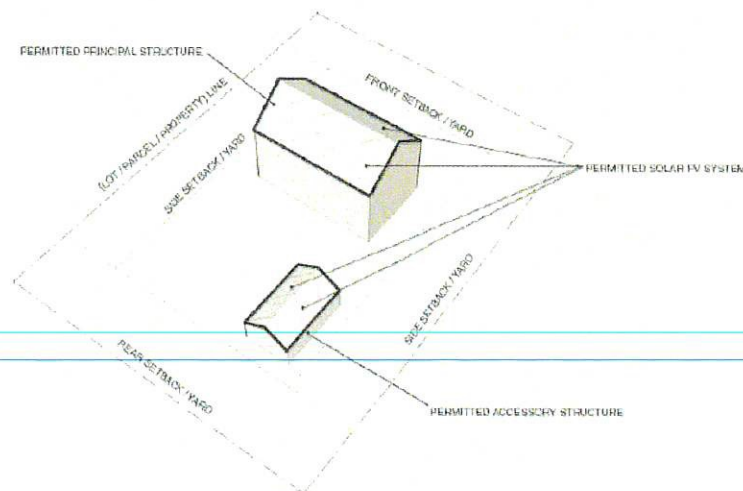
K. ROOF-MOUNTED AND WALL MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS.

(1) Location

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

Roof mounted solar panels may be located on front, rear or side-facing roofs as viewed from any adjacent street.

PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



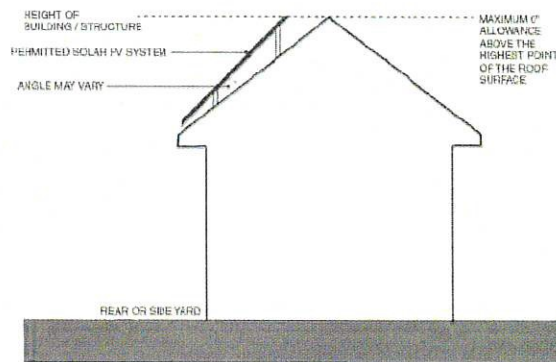
(2) Setback

- A. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- B. Solar panels shall not extend beyond any portion of the roof edge.

(3) Height

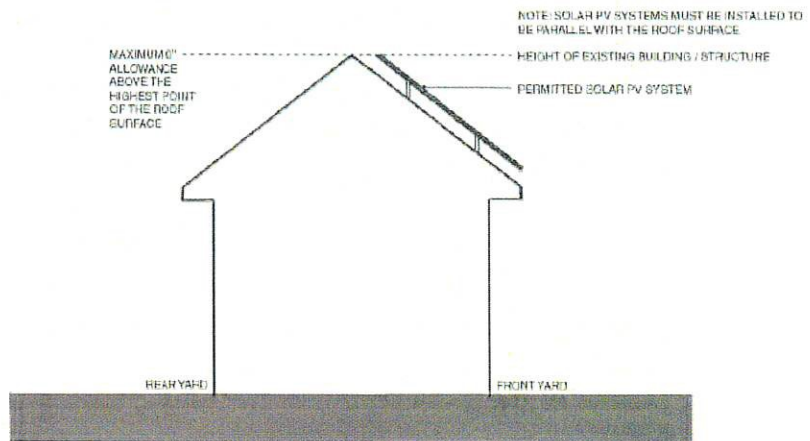
- A. For ASES installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



- B. For ASES installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



- C. For ASES installed on a flat roof of a building that conforms to the building height requirement of the underlying zoning district, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached but shall not exceed the maximum permitted building height of the underlying zoning district.

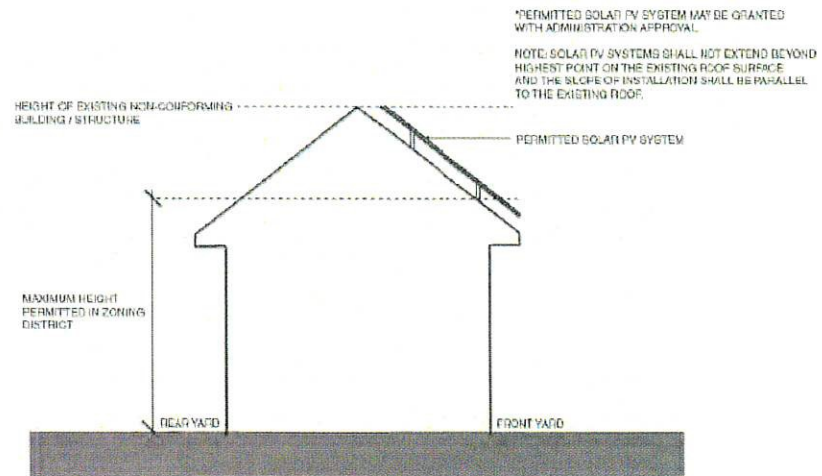
(4) Code Compliance

For roof and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the building and fire codes adopted by Exeter Township and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof and wall-mounted ASES shall be accompanied by plans stamped by a structural engineer licensed by the Commonwealth of Pennsylvania that demonstrate the structural sufficiency of the structure to hold the weight of the ASES.

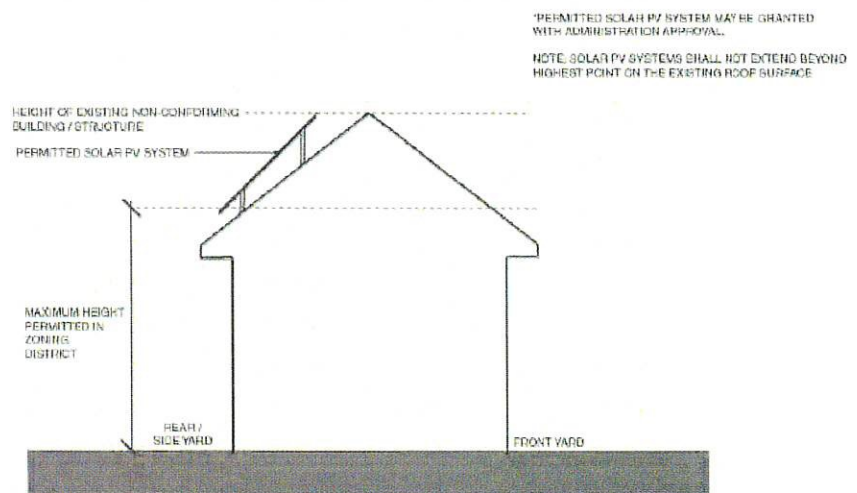
(5) Non-conformance

- A. If a roof-mounted or wall-mounted ASES is to be installed on any building or structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the ASES shall be permitted so long as the ASES does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance. This provision does not apply to non-conforming flat roofs where a roof-mounted ASES would make the structure more non-conforming.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

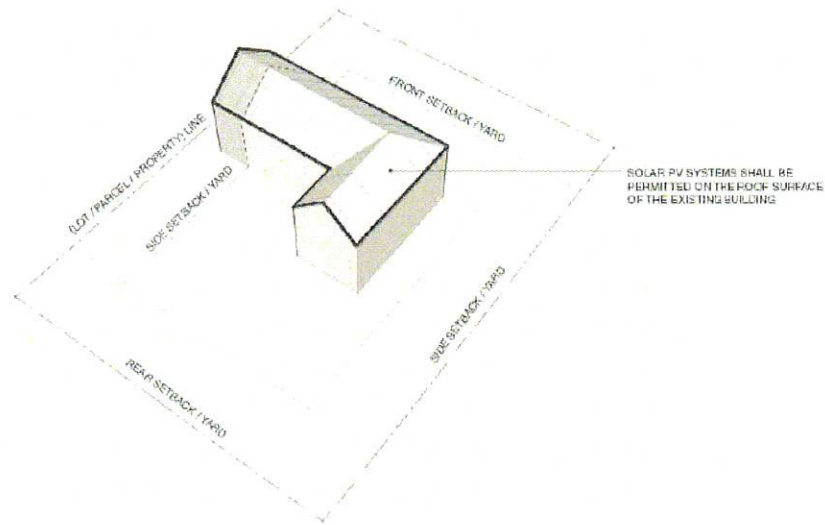


NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDEYARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



- B. If a roof-mounted or wall-mounted ASES is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, the ASES shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

NON-CONFORMING LOT, SETBACKS, AND/OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



(6) Fire Safety

- A. Proper access from all roof edges, along roof ridgelines and from roof hips and valleys shall be provided so as not to impede firefighter safety, to ensure firefighters may access the roof in a quick and safe manner and to allow available space for firefighters to penetrate the roof to create ventilation.
- B. A Solar Utility Rapid Shutdown Switch, or Disconnect, is required and shall be mounted on the outside of a building within five (5) feet of the Utility Meter. The Disconnect shall have proper labeling.

L. AGRIVOLTAICS ARE PERMITTED WHEN

- A. Only shade tolerant crops are permitted.
- B. Plowing is prohibited; no-till application is required.
- C. Cutting or mowing is limited to a height of no less than 4 inches.
- D. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs of the crop(s).

M. GROUND MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

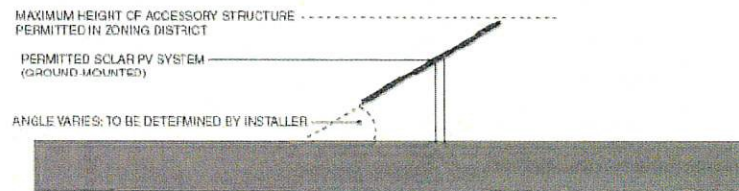
(1) Setbacks

- A. The minimum yard and building setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the underlying zoning district.
- B. A ground-mounted ASES is permitted based on the requirements for accessory uses or structures in the property's zoning district.

(2) Height

- A. Freestanding ground-mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.

HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM
ELEVATION



- B. A ground-mounted ASES may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.

(3) Coverage

- A. The area beneath the ground-mounted ASES is considered pervious cover. However, use of impervious construction materials under the system shall cause the area to be considered impervious and subject to the impervious surfaces limitations for the underlying zoning district.
- B. The area containing the ground-mounted ASES shall be considered impervious if it is composed entirely of thin-film solar panels.
 - (a) If a ground-mounted ASES is composed entirely of thin-film solar panels, the panels must be placed atop a geomembrane liner.
- C. The total surface area of the arrays of ground-mounted ASES on the property shall not exceed more than 15% percent of the lot area.

D. If the impervious area created by the ground-mounted ASES construction material and supporting structures, excluding freestanding solar panel surface area, is greater than 500 square feet, the applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.

(4) Safety/Warning Signage

Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

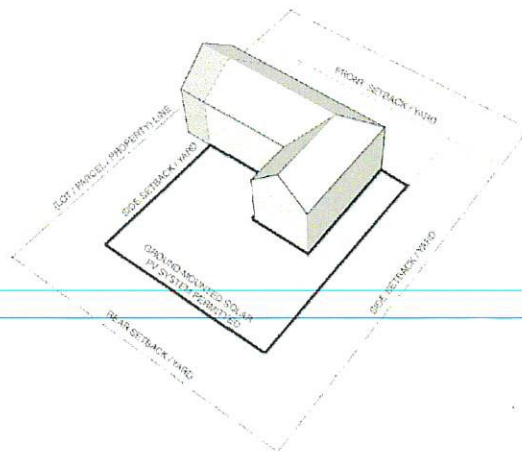
(5) Location Restrictions

Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

(6) Non-conformance

If a ground-mounted ASES is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted ASES is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



(7) Fire Safety

A Solar Utility Rapid Shutdown Switch, or Disconnect, is required and shall be mounted on the outside of a building within five (5) feet of the Utility Meter. The Disconnect shall have proper labeling.

390-59.1-5. REGULATIONS FOR PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. EXEMPTIONS

PSES constructed prior to the effective date of this Section shall not be required to meet the requirements of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES, shall require approval under this Ordinance.

B. WHERE PERMITTED

PSES shall be permitted by conditional use in the RC, R, AP, LI, FI, and GI Zoning District(s). PSES applications shall be processed in accordance with Sections 390.90 of the Exeter Township Zoning Ordinance.

C. COMPLIANCE WITH INDUSTRY STANDARDS

The PSES layout, design, and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI) or Underwriters Laboratories (UL), and shall comply with the PA Uniform Construction Code as enforced by Exeter Township, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

D. INSTALLERS

PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list (accessible at https://www.dep.pa.gov/Citizens/Go_Green_PA/Pages/default.aspx) OR are electrical contractors with license and insurance requirements accepted by Exeter Township.

E. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of Exeter Township and any other

codes under which the PSES was constructed as listed under Section 390-59. A-5(C). Failure of the owner to maintain the PSES in good working order is grounds for Exeter Township to exercise any power granted to it under law or equity to remedy the property owner's failure.

The Township shall have the right at any reasonable time to provide (24) hour notice to the applicant to inspect the premises on which any utility solar facility is located.

Utility scale solar energy facilities must be kept and maintained in good repair and condition at all times. Applicant shall keep all sites with the solar facility near, clean, and free of refuse, waste or unsightly, hazardous, or unsanitary conditions. Application shall keep a maintenance log on the solar array(s) which shall be available for the Township's review within (48) hours of such request.

If safety hazards conditions occur under the Occupation Safety and Health Administration (OSHA) and Interim Life Safety issues, the solar facility shall immediately notify the Township and Emergency Services. The applicant shall immediately shut down the solar facility and not operate, start, or restart the solar system until the issues have been resolved and provide a written statement confirming that the issues have been addressed to Exeter Township Building Official/Zoning Official.

F. UNDERGROUND REQUIREMENTS

All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

G. UTILITY NOTIFICATION

The owner of a PSES shall provide Exeter Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid-connected system and has approved of such connection.

H. SIGNAGE

No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

I. GLARE

- (1) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- (2) Solar panels shall be placed such that concentrated solar radiation, or glare shall not be directed onto nearby properties or roadways. This includes ensuring no negative impacts along aircraft flight paths. Traffic safety and adjacent properties shall be protected from glare. An anti-glare coating must be used on the panels. When deemed appropriate, a report from the Building Code Official or a registered civil engineer may be required to address compliance.

J. NOISE STUDY

Noise shall not exceed the limits stated in Chapter 257, as amended.

K. TREE AND LANDSCAPING REMOVAL

Tree removal is governed by Chapter 348, as amended.

L. CONTACT INFORMATION

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. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints. The PSES owner/and or operator shall provide to Exeter Township with this contact information and shall ensure that it is kept up to date through the life of the project.

M. DECOMMISSIONING

- (1) The applicant shall prepare a Decommissioning Plan and submit it to the Engineering Department for review and approval prior to issue of demolition permit. Under this plan, all structures, concrete, piping, facilities, and other related materials above and below grade and any structures shall be removed and taken offsite for disposal. The ground must be regraded and reseeded to as natural condition as possible. Any drainage infrastructure on site, including drain tiles and ditches, damaged during the construction, operation and/or decommissioning of the solar facility will need to be restored to pre-existing conditions.
- (2) The PSES owner is required to notify Exeter Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed

to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

- (3) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, Exeter Township may complete the decommissioning and land restoration at the owner's expense.

N. PERMIT REQUIREMENTS

- (1) Building permit applications shall document compliance with this Ordinance and shall be accompanied by detailed drawings to scale showing the location of the PSES on the property, including, at a minimum, setbacks, and property lines. Permits shall be kept on the premises where the PSES is constructed.
- (2) PSES shall comply with Exeter Township's zoning and subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- (3) 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.
- (4) Prior to the issuance of a building permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create the right to prohibit the development on or growth of any trees or vegetation on adjoining properties.
- (5) Routine maintenance or like-kind replacements do not require a permit.

O. PERFORMANCE SECURITY

Prior to the start of construction, the applicant shall post a performance security (cash, irrevocable letter of credit, or surety bond deemed suitable by the Township) in an amount deemed sufficient based on the cost of removal of the equipment, structures, and foundations related to the utility solar energy system

in the event of abandonment or failure to comply with federal, state or local laws. As a part of the Decommissioning plan, the responsible party shall provide at least (2) cost estimates from qualified contractors for full removal of equipment, foundations, and structure associated with the facility. The amounts will assist the Township in setting the performance security valid throughout the lifetime of the facility. The applicant shall provide documentation to support the estimated lifespan of the facility. Bonds shall be extended on a biannual basis from the date of conditional land use approval. Such financial security will be irrevocable and non-cancelable. The Township may increase the insurance and/or bond amounts required of applicant in the event that it is determined by the Township Board, attorney, engineer, or an insurance bond professional that the existing surety and/or bond amounts are insufficient to effect of the purposes of such guarantees. If the decommissioning security amount changes, the PSES Owner shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning security estimate. In the case of a proposed or pending sale of the utility solar facility, the current owner/operator is required to notify the township. The new owner/operator shall replace the financial security that has been provided and update the contact information for the new operator/owner.

P. GROUND MOUNTED PRINCIPAL SOLAR ENERGY SYSTEMS

(1) Lot Size

At least four (4) acres in size.

(2) Setbacks

- A. PSES shall comply with the setbacks for principal structures in the underlying zoning district, and
- B. Shall be placed a minimum of twenty (20) feet from adjacent residential districts or structures. If the setback requirements from residential districts or structures required by the underlying zoning district exceed twenty (20) feet, the stricter requirement shall apply.

(3) Height

Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.

(4) Coverage

- A. The area beneath the ground-mounted PSES is considered pervious cover. However, use of impervious construction materials under the

system shall cause the area to be considered impervious and subject to the impervious surfaces limitations for the underlying zoning district.

- B. The area containing the ground-mounted PSES shall be considered impervious if it is composed entirely of thin-film solar panels.
 - i. If a ground-mounted PSES is composed entirely of thin-film solar panels, the panels must be placed atop a geomembrane liner.
- C. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.
- D. If the impervious area created by the PSES construction material and supporting structures, excluding freestanding solar panel surface area, is greater than 500 square feet, the applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.
- E. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

(5) Screening

Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 390-31 and Section 390-34 of the Exeter Township Zoning Ordinance.

(6) Agricultural Zoning Districts

In Agricultural Zoning Districts (RC, R, AP), no more than 50 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils.

(7) Location Restrictions

Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use and stormwater quality protection measures shall be provided.

(8) Security

- A. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and shall comply with Exeter Township subdivision and land development requirements.
- B. A clearly visible warning sign informing individuals of potential voltage hazards shall be placed at the base of all pad-mounted transformers, substations, and on the fence surrounding the PSES.

(9) Access

- A. At a minimum, a 20' wide access road must be provided from a state or township roadway into the site.
- B. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.

(10) Lighting

The ground-mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

(11) Earth Disturbance

If a ground-mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded. (see Section 390-59. A-5(M))

Q. INSPECTION, SAFETY, AND REMOVAL

- (1) The Township shall have the right at any reasonable time to provide (24) hour notice to the applicant to inspect the premises on which any utility solar facility is located.
- (2) If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found, and shall notify the property owner of his or her right to appeal to the Board of Supervisors within 30 days of receipt of the Notice.
- (3) If a property owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Township may enter the property; remove the system; charge the property owner for all costs and expenses associated with removal, including, but not limited to, reasonable legal fees and consultant fees; and/or or pursue other legal action to have the system removed at the property owner's expense.

- (4) In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated, abandoned, or de-commissioned solar PV system shall constitute a lien upon the property against which the costs were charged. The Township shall have the right to institute appropriate action for the recovery of such cost, including, but not limited to, filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum on unpaid amounts, a penalty of 5% of the amount due, and any and all legal fees and costs incurred by the Township in connection with the removal work, the demand for payment, and the filing of the Township's claim.

390-59.1-6. REPEALER

All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

390-59.1-7. SEVERABILITY

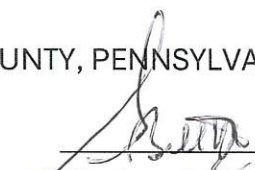
If any subsection, sentence, clause, phrase, or portion of this Section 390-59.A is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed separate, distinct, and independent of the remainder of Section 390-59.A, and such holding shall not affect the validity of the remaining portion thereof.

390-59.1.8. ENACTMENT

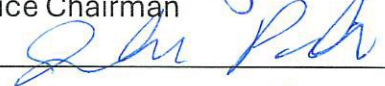
ENACTED AND ORDAINED into an Ordinance this 22nd day of June 2026.

BOARD OF SUPERVISORS OF
EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

By:


Chairman


Vice Chairman


Member


Member

Member

ATTEST:


~~Secretary~~ Township Mgr.



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 881 adopted by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania at a regular meeting held on June 22, 2026, pursuant to notice as required by law.

Dated: June 22, 2026



Exeter Township Secretary