

PALMER TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2025-492

AN ORDINANCE OF PALMER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING CHAPTER 190 BY CREATING A NEW USE FOR ENERGY GENERATION FACILITY FOR ON-SITE USE IN ARTICLE IX OF CHAPTER 190; BY PROVIDING DIMENSIONAL CRITERIA FOR SUCH USE; BY ALLOWING THE USE AS AN ACCESSORY USE TO ANY HEAVY MANUFACTURING, LIGHT MANUFACTURING, HOSPITAL, GOVERNMENTAL/EMERGENCY SERVICES FACILITIES, OR WAREHOUSE/LOGISTICS USE PERMITTED BY CONDITIONAL USE; BY SETTING CONDITIONAL USE CRITERIA; BY AMENDING ALL QUICK SHEETS AND TABLES OF USES TO PROVIDE FOR THE CONDITIONAL USE IN ANY ZONING DISTRICT WHERE HEAVY MANUFACTURING, LIGHT MANUFACTURING, OR WAREHOUSE/LOGISTICS USES ARE PERMITTED; AMENDING CHAPTER 81, FIRE PREVENTION, TO INCLUDE AN ARTICLE V, STATIONARY FUEL CELL POWER SYSTEMS; AND BY ESTABLISHING AN EFFECTIVE DATE.

The Board of Supervisors of Palmer Township, upon recommendation of the Township Planning Commission and the Lehigh Valley Planning Commission, hereby enacts and ordains the following Ordinance:

ARTICLE I

- A. Chapter 190, Zoning, of the Palmer Township Code is hereby amended with the creation of a new §190-987, entitled “Fuel Cell Power System, Stationary” which shall read as follows:

§190-987. Fuel Cell Power System, Stationary.

A stationary energy generation or energy storage system that converts the chemical energy of a fuel and oxidant to electric energy (DC or AC electricity) by an electrochemical process. This use shall not apply to equipment associated with the generation, control, transformation, transmission, or distribution of energy installations that is under the exclusive control of an electric utility or lawfully designated agency.

- A. The Applicant shall submit a Safety Plan to the satisfaction and approval of the Palmer Township Fire Commissioner addressing all of the elements set forth in the Safety Plan Template attached hereto and incorporated herein as *Exhibit “A.”*

- B. The property owner shall annually recertify the Safety Plan identified in Paragraph "A," above and allow for a site inspection by the Fire Commissioner or his designee to identify any emergency response vulnerabilities and to identify compliance with the Safety Plan.
- C. The Applicant's Safety Plan must be informed by any and all applicable laws, regulations, ordinances, and codes including but not limited to the relevant provisions regarding Fuel Cell Power Systems as established by standards approved by the American National Standards Institute ("ANSI"), and guidance from the American Society of Mechanical Engineers ("ASME"), American Society for Testing and Materials ("ASTM"), International Electrotechnical Commission ("IEC"), Chapter 12 of the International Fire Code ("IFC"), the National Fire Protection Association ("NFPA"), the National Renewable Energy Laboratory ("NREL"), the National Electrical Code ("NEC") and any other guidance that is relevant to the Applicant's particular proposed Stationary Fuel Cell Power System.
- D. Setback requirements for Stationary Fuel Cell Power Systems shall be equal to the setback requirement for the principal use of the property as classified in the Zoning Ordinance date of application for a Stationary Fuel Cell Power System or the setback requirement generally applicable to the relevant zoning district. The applicable setbacks for new Stationary Fuel Cell Power Systems do not refer to the setbacks applicable to the principal use of a property when initially approved for development.
- E. The Applicant shall certify that construction and design of a Stationary Fuel Cell Power System is under the authority of a certified design professional and is in accordance with the authority listed in Subsection B.
- F. Stationary Fuel Cell Power Systems shall be permitted as a conditional use, accessory to the following principal uses:
 - i. Warehouse/logistics use
 - ii. Manufacturing, light
 - iii. Manufacturing, heavy
 - iv. Governmental and emergency services facility
 - v. Hospital
- G. This use shall not apply to the following uses:
 - i. Solar energy system, principal/community-scale
 - ii. Wind energy system, principal/community scale
 - iii. Geothermal energy system

- B. Chapter 190, Zoning, of the Palmer Township Code is hereby amended with the creation of a new §190-988, entitled “Electrical Energy Storage Systems, Stationary” which shall read as follows:

§190-988. Electrical Energy Storage System, Stationary.

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time which is installed as fixed or stationary electrical equipment in a permanent location. This shall not be construed to apply to single-family residential generators, and generators intended for use in the event of a power outage by other residential or commercial uses, provided they are only used in the event of a power outage. This use shall follow the regulations of §190-987. Fuel Cell Power System, Stationary.

ARTICLE II.

- A. Chapter 81, Fire Prevention, of the Palmer Township Code is hereby amended with the creation of a new Article V, entitled Stationary Fuel Cell Power Systems, which shall read as follows:

Article V Stationary Fuel Cell Power Systems

§81-37. Title.

This ordinance may be cited and shall be known as the “Safe Response for Stationary Fuel Cell Power System Emergencies Ordinance”

§81-38. Definition.

ELECTRICAL ENERGY STORAGE SYSTEM, STATIONARY.

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time which is installed as fixed or stationary electrical equipment in a permanent location. This shall not be construed to apply to single-family residential generators, and generators intended for use in the event of a power outage by other residential or commercial uses, provided they are only used in the event of a power outage.

§81-39. Stationary Electrical Energy Storage System Safety Plan Required.

Every entity within Palmer Township that uses a Stationary Electrical Energy Storage System as defined above must submit a Safety Plan regarding the same that meets all of the requirements listed below for approval by the Palmer Township Fire Commissioner within 90 days of the enactment of this Article.

§81-40. Safety Plans Requirement.

- A. The Safety Plan must include all of the elements set forth in the Safety Plan Template attached hereto and incorporated herein as Exhibit "A."
- B. The property owner shall annually recertify the Safety Plan identified in Paragraph "A," above and allow for a site inspection by the Fire Commissioner or his designee to identify any emergency response vulnerabilities and to identify compliance with the Safety Plan.
- C. The Applicant's Safety Plan must be informed by any and all applicable laws, regulations, ordinances, and codes including but not limited to the relevant provisions regarding Fuel Cell Power Systems as established by standards approved by the American National Standards Institute ("ANSI"), and guidance from the American Society of Mechanical Engineers ("ASME"), American Society for Testing and Materials ("ASTM"), International Electrotechnical Commission ("IEC"), Chapter 12 of the International Fire Code ("IFC"), the National Fire Protection Association ("NFPA"), the National Renewable Energy Laboratory ("NREL"), the National Electrical Code ("NEC") and any other guidance that is relevant to the Applicant's particular proposed Stationary Fuel Cell Power System.

§81-41. Violations and Penalties.

Any violation of this ordinance is a summary offense and carries with it a fine of \$500 and shall be enforced in the manner and by the procedure established by 53 P.S. § 1601(C.1)(2).

ARTICLE III. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ARTICLE IV. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Palmer Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section or part thereof not been included therein.

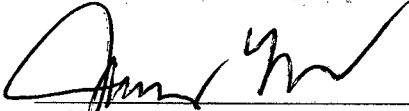
ARTICLE V. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

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NORTHAMPTON COUNTY, PENNSYLVANIA
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SIGNATURE PAGE

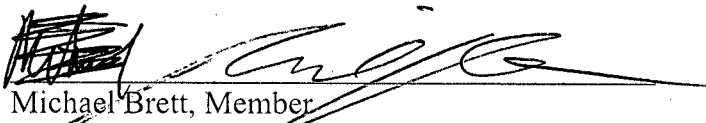
ENACTED AND ORDAINED BY THE TOWNSHIP OF PALMER, NORTHAMPTON
COUNTY, PENNSYLVANIA, THIS 4th DAY OF August, 2025




Jeffrey Young, Chairman



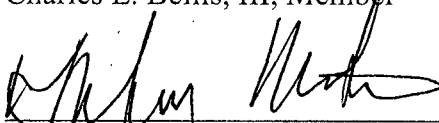
Joseph Armato, Vice-Chairman



Michael Brett, Member




Charles E. Bellis, III, Member



K. Michael Mitchell, Member

Attest:



Robert Williams
Township Manager
(Seal)