

**EAST HOPEWELL TOWNSHIP  
YORK COUNTY, PENNSYLVANIA  
ORDINANCE NO. 02-2025**

**AN ORDINANCE OF EAST HOPEWELL TOWNSHIP, YORK COUNTY,  
COMMONWEALTH OF PENNSYLVANIA AMENDING THE ZONING ORDINANCE  
OF EAST HOPEWELL TOWNSHIP TO PROVIDE FOR REGULATION OF  
ALTERNATIVE ENERGY SYSTEMS**

**WHEREAS.** East Hopewell Township ("Township") is a second-class township existing under the Law of The Commonwealth of Pennsylvania; and,

**WHEREAS,** Section 1506 of the Second Class Township Code grants general powers to the Township to adopt ordinances necessary for the proper management, care and control of the Township; and,

**WHEREAS,** The Pennsylvania Municipalities Planning Code, 53 P.S. s. 10101, et. seq, provides municipalities, including Second Class Townships, with the exclusive procedural mode for enacting Land Use Ordinances; and

**WHEREAS,** Alternative Energy Systems have proliferated in recent years; and,

**WHEREAS,** Solar Energy Systems and Wind Energy Systems, have proliferated in recent years and are noticeable modifications of land areas and landscapes; and,

**WHEREAS,** the Township has determined that regulation of Solar and Wind Energy Systems is appropriate and in the best interest of the Township and its residents, and

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY THE EAST HOPEWELL TOWNSHIP BOARD OF SUPERVISORS AS FOLLOWS:**

**SECTION I-** The Zoning Ordinance of East Hopewell Township is hereby amended to provide the following new sections:

**APPENDIX 4**

East Hopewell Township Alternative Energy Systems Ordinance.

**SECTION 1 - Definitions**

**ACCESSORY BUILDING:** A building which (1) is subordinate to and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building; and (4) is located on the same lot as the principal building.

**ACCESSORY SOLAR ENERGY SYSTEM (ASES):** A solar collection system, including all components thereof, principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power: (a) primarily; or (b) solely 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. An ASES shall be limited in size and capacity such that no more than 50% of the energy generated on an annual basis will be transmitted off-site

ALTERNATIVE ENERGY SYSTEM: The non-public utility production of electricity, heat or other energy including, but not limited to Solar Energy Systems and Wind Energy Systems.

APPLICANT: The individual or entity seeking approval for an Alternative Energy System pursuant to this Ordinance. The owner of the real property upon which the Alternative Energy System shall be erected, as well as the Applicant, shall be responsible for compliance with this Ordinance.

BUFFER: A landscaped area, or an area of preserved vegetation, intended to be used as a means of limiting the potentially adverse effects created by a use onto adjoining properties, streets, and uses.

BUFFER YARD: An area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher intensity uses and districts. Buffer Yards are to be measured from the property boundary line.

DISCONNECTED IMPERVIOUS AREA: An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration.

EAST HOPEWELL SUBDIVISION and LAND DEVELOPMENT ORDINANCE: EHT SALDO.

EAST HOPEWELL ZONING ORDINANCE: EHT ZO

FINANCIAL SECURITY: A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institution in a form satisfactory to and at the absolute discretion of the municipality and municipal solicitor.

MUNICIPALITY: East Hopewell Township, York County, Pennsylvania.

PERMIT(S): Any permit required by the Township or the Commonwealth of Pennsylvania or statutes of the United States of America, including but not limited to a Township Zoning Permit and/or a Township Building Permit pursuant to the Township's Construction Code (the Uniform Construction Code as amended from time to time).

PRINCIPAL BUILDING: A building or structure in which is conducted or intended to be conducted any principal use of the lot on which it is located.

**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.

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

**SOLAR ENERGY FACILITY (SEF):** A solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use.

**SOLAR ENERGY PROJECT (SEP):** A grouping of two or more Solar Energy Facilities which are held by owner or leased to a common lessor, and which are part of a single solar energy production development project.

**SOLAR ENERGY PROJECT OWNER:** The individual, group or entity responsible for the permitting, construction and/or operation of a Solar Energy Facility to the Solar Project Connection.

**SOLAR ENERGY SYSTEM:** A solar photovoltaic cell, module/panels, 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/panels with the purpose of harvesting solar energy.

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

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

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

**SOLAR FACILITY CONNECTION:** The high-voltage electric conveyance lines which connect a Solar Energy Facility to the Solar Project Connection.

**SOLAR PROJECT CONNECTION:** The electric conveyance lines which connect a Solar Energy Facility to the high-voltage electric interconnection grid.

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

**TOWNSHIP:** East Hopewell Township, York County, Pennsylvania.

**WIND CHARGER:** A wind-driven generator used for charging storage batteries.

**WIND ENERGY CONVERSION SYSTEM (WECS):** A wind collection system, including all components thereof such as wind charger, wind turbine or windmill, and/or other electric generation facility whose main purpose is to convert wind into another form of energy such as electricity or heat and consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure; transmission lines, and other appurtenant structures and facilities.

Accessory WECS- A Wind System intended to supply electrical power consisting of no more than two (2) wind turbines. An Accessory WECS shall be limited in size and capacity such that no more than 50% of the energy generated on an annual basis will be transmitted off-site.

Commercial WECS- A Wind System intended to produce and supply any electrical power primarily for off-site use and consisting of three (3) or more wind turbines.

**WINDMILL:** A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**WIND TURBINE:** A device that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower, and pad transformer, if any.

**WIND TURBINE TOWER:** The vertical component of a wind energy conversion system that supports the wind turbine generator and attached blades above the ground.

## **SECTION 2 - Accessory Solar Energy Systems (ASES)**

Regulations/Criteria Applicable to All Accessory Solar Energy Systems:

- A. ASES shall be permitted as a use by right in all zoning districts.
- B. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES, whether or not existing prior to the effective date of this Section that materially alters the ASES, shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- C. The ASES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the Pennsylvania Construction Codes and the Township's Construction Codes. A Designated building permit is required in order to review building codes. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- D. For residential applications, the ASES installer must also be a registered home improvement contractor with the PA Attorney General's Office.

- E. Upon installation, the ASES shall be maintained in accordance with the standards of the applicable codes under which the ASES was constructed. Failure of the property owner to maintain the ASES is grounds for appropriate enforcement action by the Township. The Township may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
- F. All on-site utility lines, transmission lines, and plumbing shall be placed underground to the greatest extent possible.
- G. 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 a significant adverse impact on neighboring or adjacent uses either through sighting or mitigation.
- H. Roof-Mounted and Wall-Mounted Accessory Solar Energy Systems (ASES):
  - 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 principal and accessory buildings within each of the applicable zoning districts.
  - 3. Wall-Mounted ASES shall comply with the setbacks for principal buildings in the applicable zoning districts. All panels are to be placed on a structure.
  - 4. Solar panels shall not extend beyond any portion of the roof edge.
  - 5. Building permit applications shall document compliance with these provisions.
- I. Ground-Mounted Accessory Solar Energy Systems:
  - 1. Setbacks. The minimum setbacks from property lines shall be equivalent to all building setbacks in the applicable zoning district.
  - 2. Height. Freestanding Ground-Mounted ASES shall not exceed the maximum accessory structure height in the applicable zoning district.
  - 3. Location. Ground-Mounted ASES shall not be placed within any legal easement or right-of-way or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system unless the Applicant can demonstrate, to the satisfaction of the municipality, that the ASES will not impede stormwater management, or in any manner alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
  - 4. Removal. 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 graded and re-seeded within six (6) months of removal.
  - 5. Signage. Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures, have reflective lettering, and be visible from at least 50 feet. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry. Advertising signs are prohibited.

6. The size of a ground-mounted ASES shall be no larger than the footprint of the principal building. An accurate drawing of location and distances to adjoining structures and streets showing zoning district setback requirements shall accompany an ASES application for permits.

### **SECTION 3 - Solar Energy Facility (SEF)**

#### **A. Regulations/Criteria Applicable to All SEFs:**

1. SEFs shall be permitted by Special Exception in the G-C General Commercial and A-Agricultural Zoning Districts. SEFs are prohibited in the R-R Rural Residential Zoning District. In addition, SEF's shall be permitted to be co-developed as a second principal use on lands currently devoted to Agriculture.
2. Multiple adjoining tracts held in common ownership shall be considered one (1) tract for purposes SEF tract size only and shall not affect remaining dwelling rights under the EHT ZO.
3. In zones in which it is permitted, an SEF shall be prohibited on the following:
  - a. Any steep slopes greater than 12%
  - b. All Class I, II, & III Soils, as delineated in the May, 1963 Soil Survey of York County
  - c. Wetlands,
  - d. Woodlands greater than one-half an acre,
  - e. On any conservation or land preservation easements, including but not limited to state, county, and local programs.
4. SEFs constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing SEF, whether or not existing prior to the effective date of this Section, that expands the SEF shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
5. The establishment of a SEF shall require Land Development Plan approval under the EHT SALDO.
6. The SEF layout, design, and installation shall conform to good industry/best management practices. "Good industry/best management 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), and shall comply with the PA Uniform Construction Code, the Township Construction Code and with all other applicable fire and life safety requirements.
7. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
8. DC voltage Solar Array Connections may be located above ground. AC Solar Facility Connections should be located underground where feasible. However, AC Solar Facility Connections may be located above ground where the Applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the overall environmental impacts would support above-ground locations.

9. The Applicant shall include a construction transportation plan that shows all roadways that will be utilized to access the site, which shall be forwarded to the Municipality for review. The plan shall address conditions for repair or replacement if damage to municipal roads occurs during construction activities.
- B. The owner of the SEF shall provide the Township written confirmation that the public utility company or Pennsylvania-Jersey-Maryland (PJM) grid operator to which SEF will be connected has been informed of the customer's intent to install a grid-connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the appropriate company to the Township prior to the issuance of a certificate of use and occupancy for the SEF.
- C. Ground-Mounted SEF:
1. The SEF development area is equal to the total acres of land subject to lease by the SEF developer. Where the area of land subject to the lease is greater than 75% of the parcel, the entire parcel will be considered to be the SEF development area.
  2. For each parcel on which a SEF, or a component of a SEF, is proposed, a map shall be provided by the Applicant detailing the SEF development area.
  3. Solar Related Equipment shall only be placed within that portion of any lot that has a defined SEF development area.
  4. The SEF shall comply with the setbacks of the applicable zoning districts for principal buildings.
  5. Required fences shall not be considered principal structures for purposes of setbacks and shall comply with requirements of Section 403 c) of the Zoning Ordinance.
  6. No side or rear setback will be required where a Solar Energy Project spans across lot lines, provided each landowner has signed a written waiver of the lot line setback.
  7. No grass or weeds shall be permitted at any time to exceed 8 inches in length or height from the surfaces under or surrounding within 20 feet of a SEF. Any noxious weeds, as listed on Pennsylvania's Noxious Weed Control List (as amended), shall be immediately eradicated and removed.
  8. A ground Mounted SEF shall forfeit all remaining dwelling rights allocated for that property until the SEF is completely removed including but not limited to all transmission lines serving the SEF and any structure and DEP determines there are no contaminants remaining on the property.
- D. Solar Related Equipment shall not be located in:
1. Floodways, as identified in the FEMA FIRM (Federal Emergency Mapping Agency) mapping as provided by the FEMA Mapping Service Center (FEMA MSC).
  2. Regulated natural and man-made drainage corridors, extending twenty-five (25) feet from the border of any such drainage feature, unless the Supervisors at the time of plan approval determine a lesser setback would create less impact on the overall project.
  3. Wetlands.

4. Riparian buffers extending twenty-five (25) feet from any wetland or body of water unless the Supervisors at the time of plan approval determine a lesser setback would create less impact on the overall project.
  5. Slopes greater than twelve percent (12%), unless the Supervisors at the time of plan approval determine the location in an area greater than 12%, would create less impact on the overall project.
  6. Legal easements and rights-of-way.
  7. A Conservation Easement absent approval by the grantee/holder of the Conservation Easement.
  8. Setback areas, as defined in the underlying EHT ZO zoning district.
- E. Woodland areas. Woodland, if over 0.25 acres and consisting of mature trees, is to remain undisturbed and shall not be removed for the purpose of creating SEFs.
  - F. Minimum Lot Size. The Ground-Mounted SEF shall meet the lot size requirements of the applicable zoning district.
  - G. Height. Ground-Mounted SEFs shall comply with the building height restrictions for principal buildings of the applicable zoning district.
  - H. Safety. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SEF informing individuals of potential voltage hazards.
  - I. Lighting. Any lighting shall be the minimum necessary and downward directed.
  - J. Roof and Wall-Mounted Solar Energy Facilities: The Applicant for a Roof and/or Wall-Mounted SEF shall provide evidence that the plans comply with the Uniform Construction Code, including that the roof or wall is capable of holding the load imposed on the structure.
  - K. Height Regulations. Any SEF mounted on the roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning SEF district.
  - L. If a SEF is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the SEF.
  - M. No portion of the SEF shall contain or be used to display advertising. The manufacturer's name and equipment information, an indication of ownership, owner contact information, and an emergency contact shall be required on all sides of any equipment of the SEF, provided they are no larger than 1 foot x 1 foot.
  - N. All SEFs shall be situated to prevent glare onto nearby structures or roadways.
  - O. The SEF owner and/or operator shall maintain and post on all sides of fencing an identification of a local person or entity responsible for the public to contact with inquiries, complaints, and public safety issues throughout the life of the project and provide the number and name to the municipality.
  - P. Upon installation, the SEF shall be maintained in accordance with the standards of the building codes under which the SES was constructed. Failure of the property owner to maintain the SEF is grounds for appropriate enforcement action by the Township. The Township may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

- Q. Signage shall comply with the prevailing sign regulations with no advertisements.
- R. The following requirements apply to decommissioning unless expressly pre-empted by State or Federal Law.
1. The SEF owner is required to notify the Township immediately upon cessation or abandonment of the operation of the SEF. After the initial commencement of commercial generation of electricity or power, the SEF shall be presumed to be discontinued or abandoned if no electricity or power is generated by such system for a period of six continuous months. However, if the SEF owner notifies the Township of a written plan to bring the SEF back into operation, the Township may toll this six-month period and shall notify the SEF owner of its decision within 45 business days of receipt of the SEF owner's notice.

Prior to issuance of a building permit for the SEF, the owner shall provide financial security, in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township, to secure the expense of decommissioning, dismantling and removing said SEF and restoration of the land to its original condition, in the amount of 110% of the estimated decommissioning cost minus the salvageable value of the solar-related equipment, fencing, buildings, etc. Every five years, a new engineer's estimate of the probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security in a form satisfactory to and at the absolute discretion of the municipality and municipal solicitor. This financial security shall be adjusted upward or downward as necessary. The owner of the SEF shall pay for all fees associated with the review and approval of each such decommissioning cost estimated by the Township Engineer. Post removal, the owner shall post a security of 15% of the final decommissioning cost for 2 years to insure that no issues remain.

2. Removal of SEF in decommissioning shall be completed in its entirety prior to the release of any financial security.
  - a. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
  - b. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
  - c. Once the SEF is removed, any earth disturbance resulting from the removal shall be graded and seeded in order to re-establish a natural groundcover.
  - d. The SEF owner shall have 12 months from the cessation or abandonment of the operation of the SEF in which to dismantle and remove the SEF, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, aboveground cabling, electrical, components, roads (unless the landowner requests in writing that the access roads are to remain), foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the SEF within the established timeframes, the Township may complete the decommissioning at the owner's expense, subject to any recovery under the financial security provided in accordance with (b) above. The Township

may authorize one 12-month extension of such time for just cause shown by the SEF owner.

#### **SECTION 4 - Wind Energy Conversion Systems (WECS)**

- A. Accessory WECSs shall be permitted in all zones by Special Exception.
- B. Commercial WECSs shall be permitted by Special Exception only in the G-C General Commercial and A-Agricultural Zoning Districts. In addition, a WECS shall be permitted to be co-developed as a second principal use on lands currently devoted to Agriculture. In zones in which it is permitted, WECSs shall be prohibited on the following:
  - 1. any steep slopes greater than 12%,
  - 2. all Class I, II & III Soils, as delineated in the May 1963 Soil Survey of York County,
  - 3. wetlands,
  - 4. woodlands greater than one-half an acre,
  - 5. on any conservation or land preservation easement absent the written consent of the grantee of the Conservation Easement.
- C. WECSs constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing WECS, whether or not existing prior to the effective date of this section that expands the WECS shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
- D. The establishment of a Commercial WECS shall require Land Development Plan approval under the Township Subdivision and Land Development Ordinance. An Accessory WECS shall require a detailed sketch plan showing location, distances, setbacks and any significant detail of the system.
- E. All hook-up, connections and transmission facilities should be located underground where feasible. However, above ground facilities shall be allowed where the Applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the overall safety and environmental impacts would support above ground locations.
- F. No more than one (1) WECS shall be permitted per lot on properties less than two (2) acres.
- G. No more than two (2) WECSs shall be permitted on lots greater than two (2) acres and less than five (5) acres.
- H. Properties of five (5) acres or more may have three (3) or more WECS.
- I. Multiple adjoining tracts shall be considered one (1) tract for WECS tract area purposes but shall alter any existing remaining allocation of dwelling rights in the EHT ZO. •
- J. The owner of a Commercial WECS shall provide the Township written confirmation that the public utility company or PJM grid operator to which the Commercial WECS will be connected and has been informed of the customer's intent to install a grid-connected system and approval of such connection.
- K. Each Commercial WECS shall eliminate one (1) dwelling right until the WECS is entirely removed.

- L. Commercial WECS on Conservation Easement property must obtain the written approval of the Grantee of the Conservation Easement.
- M. For each acre allocated to use by a WECS, one-quarter acre (1/4) shall remain as it was prior to any WECS use.
- N. The Applicant shall comply with Section 811.C.1. of the EHT SALDO and minimize the removal of trees.
- O. WECSs shall not generate noise which exceeds fifty-five (55) decibels measured at any property line on which the wind energy system is located.
- P. WECSs shall not be artificially lighted except to the extent required by the Federal Aviation Administration (FAA) and shall have a non-reflective, painted steel finish in a neutral color, subject to any applicable standards of the FAA or other regulatory requirements.
- Q. Setbacks for WECSs shall be modified to be 125% of the distance to all property lines and no part of any WECS shall be located within or above any setback or along or in any street frontage or street right-of-way.
- R. All WECSs shall be independent of any other structure and shall be located a minimum distance of one and one-tenth (1.1) times the turbine height (the highest point of the tip of a blade at its highest point) from any inhabited structure or overhead utility line.
- S. The maximum height of any wind energy system shall not exceed eighty (80) feet, and no portion of any WECS shall extend over parking areas, access drives, driveways, or sidewalks.
- T. The minimum height of the lowest position of the wind turbine blade shall be at least fifteen (15) feet above the ground.
- U. Commercial WECSs shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate, and the wind turbine's climbing apparatus shall be limited to no lower than fifteen (15) feet from the ground, and the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
- V. WECSs shall not display advertising except for reasonable identification of the WECS's manufacturer, owner, owner's contact information, and an emergency contact. Such a sign shall have an area of less than one (1) square foot.
- W. When an accessory building is needed for storage cells or related mechanical equipment, the accessory building shall have a floor area no larger than two hundred (200) square feet. The accessory building shall comply with all Township building code requirements and all specifications for accessory buildings within the respective zoning district in which it is located.
- X. Shadow Flicker (Please refer to Appendix 1) refers to rotation shadows cast on the ground and surrounding structures by rotating wind turbine blades and the location of a wind energy system. Shadow Flicker shall not produce shadow flicker on any adjoining non-participating inhabited structure.

Y. The following requirements apply to the decommissioning of a Commercial WECS unless expressly pre-empted by State or Federal Law:

1. The WECS owner is required to notify the Township immediately upon cessation or abandonment of the operation of the WECS. After the initial commencement of commercial generation of electricity or power, the WECS shall be presumed to be discontinued or abandoned if no electricity or power is generated by such system for a period of six continuous months. However, if the WECS owner notifies the Township of a written plan to bring the WECS back into operation, the Township may toll this six-month period and shall notify the WECS owner of its decision within 45 business days of receipt of the WECS owner's notice.
2. Prior to issuance of a building permit for the WECS, the owner shall provide financial security, in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township, to secure the expense of decommissioning, dismantling and removing said WECS and restoration of the land to its original condition, in the amount of 110% of the estimated decommissioning cost minus the salvageable value of the solar-related equipment, fencing, buildings, etc. Every five years, a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission and the bond, letter of credit, or other financial security acceptable to the Township. This financial security shall be adjusted upward or downward as necessary. The owner of the WECS shall pay for all fees associated with the review and approval of each such decommissioning cost estimated by the Township Engineer.
3. Removal of WECS facilities in decommissioning shall be completed in its entirety prior to the release of any financial security.
  - a. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
  - b. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
  - c. Once the WECS is removed, any earth disturbance resulting from the removal shall be graded and seeded in order to re-establish a natural groundcover.
  - d. The WECS owner shall have 12 months from the cessation or abandonment of the operation of the WECS in which to dismantle and remove the WECS, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, aboveground cabling, electrical, components, roads (unless the landowner requests in writing that the access roads are to remain), foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the WECS within the established timeframes, the Township may complete the decommissioning at the owner's expense, subject to any recovery under the financial security provided in accordance with (b) above. The Township may authorize one 12-month extension of such time for just cause shown by the WECS owner.

## **SECTION 5 - Administration and Enforcement**

### **A. Applications**

1. Zoning and Building Permit applications shall document compliance with all Township Ordinances and the Township Uniform Commercial Code and shall be accompanied by drawings showing the location of the Alternative Energy System on the building or property, including property lines. Permits must be kept on the premises where the Alternative Energy System is located.
2. The permit shall be revoked if the Alternative Energy System, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the Alternative Energy System not to conform with this Ordinance.
3. The Alternative Energy System 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.
4. An approved land development plan shall accompany all permit applications, excluding those for ASES and Accessory WECS, which are accessories to the allowed use.

### **B. Fees and Costs**

1. The Applicant shall pay all permit application fees and inspection fees, including but not limited to Zoning Fees and Building Code Administration Fees, when seeking approval of an Alternative Energy System under this Ordinance, which fees shall be set by resolution or be the normal fees for Construction Code Administrators.
2. The Applicant shall, prior to receipt of an approved permit, reimburse the Municipality for any actual fees or costs incurred arising out of or related to the Application (collectively the "Costs"). The Costs shall include, but not be limited to, engineering, zoning officer, building code official, and legal fees.
3. Any unpaid fees and costs thirty (30) days after a notice to pay shall result in the revocation of any permit issued or associated with the Alternative Energy System. The Township may file a civil suit to collect such unpaid fees and/or assert a municipal lien against the property; all costs and fees for such collection, along with reasonable attorney fees, shall be recoverable by the Township.

### **C. Enforcement**

1. Upon the receipt of a written complaint setting forth the existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof, the Municipality's Roadmaster, Zoning Officer, Codes Enforcement Officer, Solicitor or other representative that may be authorized by the Township's governing body (the "Enforcement Officer") shall cause a ten (10) day written notice to be given either by personal service or registered or certified mail to the Applicant of the Property upon which the violation exists, to immediately cease and the construction, modification or the unauthorized use of the Alternative Energy System. Such a written notice shall be required to enforce the remedies set forth in this section.

However, the Township shall still be entitled to give a verbal notice for defective systems as authorized above.

2. Upon failure of such Applicant to comply as directed in said notice, the Enforcement Officer, other Township officials or solicitor may appear on behalf of the Township and initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate.
3. Any Applicant who or which shall violate or permit to be violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding brought by the Township before a District Magistrate, pay a fine \$1,000.00 per day, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No fine shall be payable until the date of admission by the Violator of a violation or the determination of the violation by a District Magistrate. Each day that a violation exists and is continued shall constitute a separate offense unless the District Magistrate who determines that a violation has occurred further shall determine that there was a good faith basis for the defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination by such District Magistrate and thereafter every day shall constitute a separate offense.
4. In addition, the Municipality shall also be entitled to recover from any Applicant all the Municipality's costs or fees (collectively the "Costs") arising out of or related to the application or enforcement of this Ordinance. Such Costs may also include those to remedy violations of this Ordinance or to abate nuisances. The Costs shall include, but not be limited to, engineer fees, geologist fees, attorney fees, zoning officer fees, and staff/employee time. The Costs may be collected as a Municipal Claim under applicable law against the property upon which the solar energy system, or proportions thereof, is located.

## **SECTION 6 - Construction**

The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations.

## **SECTION 7 - Severability**

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Ordinance to be unconstitutional or invalid, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid. In such case, all provisions of this Ordinance that were not declared invalid shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed all other parts of this Ordinance without including any part declared invalid, if it had advance knowledge that such part would be declared invalid.

## SECTION 8 - Repealer

East Hopewell Township Ordinance No. 04-2023 is expressly repealed in its entirety. In addition, all portions of the East Hopewell Township Zoning Ordinance, and any other East Hopewell Township ordinance or parts thereof that are expressly inconsistent or incompatible with and cannot be read in any manner to be consistent with this Ordinance, are superseded or repealed with regard to Alternative Energy Systems only, to the extent of such inconsistency or incompatibility. Furthermore, this clause shall only supersede or repeal Township ordinances or parts thereof that were adopted prior to this Ordinance and that are clearly in direct conflict and incompatible with this Ordinance.

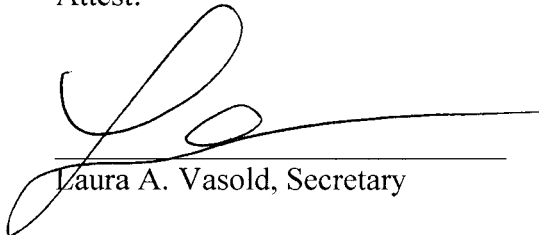
## SECTION 9 - Effective Date

This Ordinance shall be effective immediately upon enactment.

**Enacted and Ordained** by the Board of Supervisors of East Hopewell Township, York County, Pennsylvania, in lawful session assembled, this 5<sup>th</sup> day of November, 2025.

## TOWNSHIP OF EAST HOPEWELL

Attest:

  
\_\_\_\_\_  
Laura A. Vasold, Secretary

BY:   
\_\_\_\_\_  
Chairman  
Board of Supervisors

### CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of the East Hopewell Township, York County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted 3 to 3 affirmative vote majority of the members of the Board of Supervisors of the Township at an open public meeting held after notice required by law on November 5th, 2025, and that said Ordinance has been recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township on this 5th day of November, 2025.

  
\_\_\_\_\_  
Laura Vasold, Secretary