

BOROUGH OF NORTHUMBERLAND

ORDINANCE NO. 2026-02

**AN ORDINANCE OF THE BOROUGH OF NORTHUMBERLAND REGULATING
ACCESSORY SOLAR ENERGY SYSTEMS**

Whereas Solar development is increasing statewide.

Whereas, The Borough of Northumberland Council has determined that it is necessary to establish regulations in order to provide clarity for applicants, protect neighboring properties, ensure safety and environmental compliance, establish predictable standards for both small and large systems, and reduce legal risk by having a clear, defensible framework.

Now, Therefore, the Borough Council hereby enacts the following:

**Regulations Applicable to All Accessory Solar Energy
Systems:**

1. Accessory Solar Energy Systems (ASES) shall be permitted as a use by right in all zoning districts. Accessory Solar Energy Systems shall be defined as: An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use only. An accessory solar system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or a tower, or other solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

2. Exemptions - 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.

3. The ASES layout, design, installation, and ongoing maintenance 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 PA Uniform Construction Code as enforced by the Borough, 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 application. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Borough codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good

working order is grounds for appropriate enforcement actions by the Borough in accordance with applicable ordinances.

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

5. The owner of an ASES shall provide the Borough 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 and approved of such connection. Off-grid systems shall be exempt from this requirement.

6. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

7. Glare

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

(b) 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.

8. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

9. Decommissioning

(a) Each ASES and all 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.

(b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

(c) The ASES owner shall, at the request of the Borough, provide information concerning the amount of energy generated by the ASES in the last 12 months.

10. Permit Requirements

(a) Zoning 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.

- (b) 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 this Ordinance.
- (c) 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.

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 principal and accessory buildings within each of the underlying Zoning Districts.
3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. Roof mounted solar panels may be located on front-facing roofs as viewed from any adjacent street when approved as a conditional use. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
6. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Borough that the roof or wall is capable of holding the load imposed on the structure.

Ground Mounted Accessory Solar Energy Systems:

1. Setbacks

- (a) The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.
- (b) Ground mounted ASES are prohibited in front yards, between the principal building and the public street if located on a lot of one (1) acre or less in size.

2. Height

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

3. Coverage

The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

4. Screening Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. The design height of the planting shall be indicated in the application and the planting shall be maintained to that height. In lieu of a planting screen, a decorative fence meeting the requirements of the zoning ordinance may be used.

5. 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.

6. 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.