

**BOROUGH OF NORTHUMBERLAND**

**ORDINANCE NO. 2026-03**

**AN ORDINANCE OF THE BOROUGH OF NORTHUMBERLAND REGULATING  
PRINCIPAL 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 Principal Solar Energy Systems:**

Principal Storage Energy Systems (PSES) shall be a conditional use in the Conservation Open Space, Agriculture, Highway Commercial and Industrial Zoning Districts.

Note: add to Schedule of Uses and Article 4, 5, 9, and 10. Principal Solar Energy System shall be defined as: An area of land, a tower, or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, or tower, or solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures

**Exemptions**

PSES 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 PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

The PSES 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 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.

PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

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

The owner of a PSES shall provide the Borough 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.

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.

### **Glare**

1. Glare for purposes of this Article shall be defined as: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
2. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
3. 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.

A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, as measured at the property line.

No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the

project and provide this number and name to the Borough. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

### **Decommissioning**

1. The PSES owner is required to notify the Borough 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.

2. 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. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.

3. At the time of issuance of the permit for the construction of the PSES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Borough to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissions 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 Borough shall be adjusted upward or downward as necessary.

Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit 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.

### **Permit Requirements**

1. PSES shall comply with the Borough subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.

2. 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.

### **Ground Mounted Principal Solar Energy Systems:**

#### **Minimum Lot Size**

10 acres

### **Setbacks**

PSES shall comply with the setbacks of the underlying zoning districts for principal structures.

### **Height**

Ground mounted PSES shall comply with the building height restrictions for principal structures of the underlying zoning district.

### **Impervious Coverage**

1. The area beneath the ground mounted PSES 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.

2. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

- (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
- (b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.
- (c) Gravel or paved access roads servicing the PSES.

PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

Ground mounted PSES shall be screened from non-participating adjoining residential uses unless landowner waives such requirement. Also highly trafficked sections of road, shall be screened as determined by the Borough. The location and specifications for required screening shall be indicated on the land development plan.

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.

### **Security**

1. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

2. A clearly visible warning sign shall be placed at the base of all padmounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

### **Access**

1. At a minimum, a twenty-five (25) foot wide access road must be provided from a state or Borough roadway into the site.

2. Internal cartways shall be a minimum of sixteen (16) feet to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

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

If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

### **Roof and Wall Mounted Principal Solar Energy Systems:**

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.

PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

### **Self-Storage Facility**

Self Storage Facility shall be defined as: A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property. No residential use or business activity other than the self-storage units shall be permitted within the facility.

The premises shall be used exclusively for the storage of personal property, goods and materials. No explosive, toxic, radioactive or highly flammable materials or substances shall be stored within the units.

Limited Accessory Use – The sale of moving and storage supplies and the rental of moving trucks, clearly incidental to the primary use, shall be permitted out of the office of the self-storage facility.

In connection with a Self-Storage Facility currently licensed recreation vehicles may be stored outside on the premises, provided, that the portion of the premises dedicated to such use is at

least 300 feet from any public road right-of-way, is in a separate fenced area and does not abut any residential use or district.

A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Sections 15.1.10, 15.1.11 and 15.1.12 respectively)