

ARTICLE 8
SUPPLEMENTAL REGULATIONS

SECTION 801 **PURPOSE AND INTENT**

Certain uses of land and/or buildings, as specified herein, whether permitted by right or special exception, shall be subject to supplemental regulations in addition to those of the district in which the use is located.

801.01 **AGRITAINMENT ENTERPRISE**

The following supplemental regulations shall be applicable for the proposed use of an agricultural property for Agritainment Enterprise.

A. A farm-based entertainment enterprise shall be located upon a property currently used for agricultural purposes.

B. Minimum Lot Size and Width

Lot Size: 10 acres
Lot Width: 200 feet

C. Setback Distances

Activities (including parking areas) or structures, included for use as an Agritainment Enterprise shall comply with the following minimum setback distances.

Front Yard - 100 feet
Side Yard - 200 feet
Rear Yard - 200 feet

The above setback distances shall not apply to any existing structures upon the property utilized as a component of any activities offered within the context of an Agritainment Enterprise.

D. Ancillary Features

Ancillary features of a property used as an Agritainment Enterprise may include:

1. The use of a portion of the property for the temporary placement of campers, horse trailers and recreational vehicles as related to planned events upon the property.
2. The sale of both prepared food products and fresh farm produce and accessory products that support the specific Agritainment Enterprise such as leather tack products, saddles, boots and western wear.

E. Maximum Lot Coverage

1. Maximum Building Coverage: 20%.
2. Maximum Impervious Surface: 30%.

F. Off Street Parking

The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all uses and activities proposed to be operated as part of the Agritainment Enterprise, but in no case shall there be less than 50 defined parking street parking spaces that shall be either paved or gravel surface. The Board of Supervisors shall have sole discretion in rendering a decision on the need to provide additional parking for an Agritainment Enterprise based upon its planned operations.

G. Land Development Plan

An Agritainment Enterprise, subsequent to zoning approval, shall secure land development approval in accordance with governing regulations of the Jefferson Township Subdivision and Land Development Ordinance.

801.02 AGRICULTURAL USES

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and the necessary accessory uses for farm homes and packing, treating or storing the product; provided, however, that the operation of any accessory uses shall be secondary to that of normal agricultural activities. Animal and/or poultry husbandry, including the raising or keeping of livestock or poultry shall require a minimum lot size of not less than five acres. Any operation regulated under the Pennsylvania Nutrient Management Act shall provide evidence that the use will comply with the applicable provisions of the Act

801.03 ANIMAL HOSPITAL

The minimum lot size shall be not less than one (1) acre. An animal hospital shall maintain all activities within a completely enclosed soundproof building, and no objectionable odors shall be vented outside the building. No animal hospital shall be located less than one hundred (100) feet from any property line.

801.04 ANIMAL KENNELS

The minimum lot size shall be not less than five (5) acres. Any buildings, runways, fenced enclosures and similar structures shall be located not less than 300 feet from all property lines. Where the property abuts a zoning district having residences as a principal permitted use, all buildings runways, fenced enclosures and similar structures shall be located not less than 500 feet from such property lines.

801.05 APARTMENT BUILDING

The minimum lot size shall be not less than one acre. An apartment building as a multi-family dwelling shall be connected to sanitary sewers. The maximum building for an apartment building height shall not exceed be three stories or 40 feet. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be 40%. A minimum lot width of not less than 150 feet shall be required for apartment building. Fire escapes, when required, shall be located in the rear of the building and shall not be located on any side of the building that faces a street. Service entrances, trash and garbage storage areas shall be enclosed, and screened from public view by a solid fence six (6') feet in height.

801.06 ASSISTED LIVING FACILITIES, NURSING HOMES OR PERSONAL CARE HOMES.

The minimum lot size shall be not less than 20,000 square feet. All buildings shall be located not less than 50 feet from any property line or street line. A minimum of 20% of the lot shall designed, developed, used, and maintained for outdoor recreational activities limited to one or more of the following: garden areas, sitting areas, picnic areas and/or pedestrian walkways.

801.07 AUTOMOBILE RELATED ACTIVITIES

A. Automotive Repair Garage: Activities including the repair of automobiles, trucks, snowmobiles and motorcycles shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, vibrations, fumes and glare. All paint work shall be performed within a building, with a ventilation system that directs fumes away from adjacent properties and buildings. Temporary outdoor parking of vehicles intended to be replaced is permitted in the side or rear yard areas only, and those vehicles shall be licensed and inspected at all times. Only vehicles to be repaired on the premises or picked up by the vehicle owner may be stored in the yard area. Storage of vehicles shall be permitted for no longer than 30 days. Service bays shall face the front yard property line whenever possible. Where the operation abuts on the side or rear property line of a district having residences as a principal permitted use, a solid wall or substantial attractive fence six (6') feet in height shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

B. Automotive Sales: The outdoor display of new or used automobiles, boats, recreational vehicles, motorcycles, manufactured homes or mobile homes shall meet the required principal building setback requirements. Where an automotive sales use abuts a rear or side lot line of any district having residences as a principal permitted use, a solid wall or substantial, attractive fence six (6') feet

in height shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

C. Car Wash: Appropriate drainage facilities for washing activities shall be provided wherein water from the car wash will not flow onto sidewalks, streets or adjoining properties. The site shall be sufficiently large to accommodate three (3) cars per stall waiting washing during peak periods so that lines along public streets are avoided. Such operations shall also comply with any applicable regulations of the Pennsylvania Department of Environmental Protection. Car wash operations abutting on the side or rear property lines of a district having residences as a principal permitted use shall provide a solid wall or substantial, attractive, tight fence six (6') feet in height and well maintained along such boundary. Outdoor trash dumpsters shall be concealed within an area by a solid fence, not less than six (6) feet in height. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

D. Gas Station, Limited-Service, Gas Stations (Also Includes Convenience Stores with Gasoline Sales): Where such use abuts on the rear or side lot line of a district having residences as a principal permitted use or a property being used for residential purposes, the following requirements shall apply to the side and rear yard property boundaries:

1. Construction of a solid wall or solid opaque fencing six (6) feet in height, designed to help conceal and screen the property from adjoining properties.
2. Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six (6) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.
3. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height.
4. Gasoline pumps or other service appliances and canopies may be located in the required front yard subject to having a setback of not less than twenty-five (25) feet from the right-of-way line of the adjoining street. All repair services, storage or similar activities in connection with the use shall be conducted within the building where adequate measures

shall be taken to minimize noise, fumes and glare.

5. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to fully conceal the light source from adjoining properties and streets.

801.08 BANKS

Banks and other similar financial offices shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in tellers, access areas for parking lots separated from drive-in areas, and areas for pedestrian traffic separated from vehicular traffic for safety. Canopies over drive-through areas shall meet all yard setback requirements.

801.09 BED AND BREAKFAST

A Bed and Breakfast shall be within an owner-occupied dwelling which are rented on a nightly basis for periods of normally not more than a week. There shall not be separate cooking facilities in any guestrooms. Dining and other facilities shall not be open to the public, but shall be exclusively for the use of the residents and registered guests. Two off street parking spaces shall be provided for each rental unit.

No signs, show windows or any type of display or advertising shall be visible from outside the premises, except for a single wall or freestanding sign, which shall not be internally illuminated, with a maximum sign area of four-square feet on each of two sides, if freestanding, and with a maximum height of eight (8) feet.

In a residential district, the exterior of the building shall not be changed in any way that would decrease its residential appearance and character, except for needed modifications for historic restoration, handicapped access or fire safety.

801.10 BULK FUEL STORAGE

Bulk fuel storage shall be located on a tract of land not less than five (5) acres. Storage tanks shall be located not less than one thousand (1,000') feet from any property line and shall be not less than two thousand (2,000') feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located five hundred fifty (500') feet from all property lines. The property shall be fenced with an eight (8') feet high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from view by a dense growth of evergreens at least five (5') feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

801.11 CEMETERIES.

The minimum lot area shall be five (5) acres, which may be on the same lot as a permitted place of worship. All structures, graves or places of permanent burial shall be set back not less than 50 feet from all property lines and street lines, and shall not be located within any 100-year flood plain. The cemetery shall be enclosed by a fence, wall or shrubbery at least three feet in height. The interior roads shall have a minimum width of 12 feet and shall be properly maintained with either gravel or paving. The applicant and/or owner must provide sufficient proof that an appropriate financial system is in place or will be implemented to guarantee perpetual maintenance of the cemetery.

801.12 COMMERCIAL COMMUNICATION ANTENNAS ATTACHED TO BUILDING OR STRUCTURE)

A Commercial Communication Antenna when attached to an existing building or structure shall require approval as a conditional use and shall be subject to the following requirements:

- (1) Commercial Communications Antenna shall not be located or permitted on any building or structure located within a Residential Zoning District.
- (2) A Commercial Communications Antenna mounted on a building or other structure shall not exceed eight (8) feet in height above the existing building or structure and shall not exceed three (3) feet in width.
- (3) A Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application along with a graphic depiction of the proposed Communications Antennas.
- (4) The applicant shall provide a copy of its current Federal Communication Commission license.
- (5) The applicant shall provide certification and documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with such mount or location.
- (6) The applicant shall provide evidence of agreements and/or easements necessary to provide access to the building or structure on which the Commercial Communications Antenna is to be mounted.
- (7) The applicant shall provide A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property

damage coverage in the minimum amount of \$1,000,000 million per occurrence.

- (8) An antenna mounted upon an existing structure shall be removed by the owner of the same within six (6) months of the discontinuance of its use. The owner shall provide Jefferson Township with a copy of the notice to the FCC of intent to cease operations. The six-month period for the removal of an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

801.13 COMMERCIAL COMMUNICATION ANTENNAS (CO-LOCATION)

The placement of a Commercial Communication Antenna upon an existing Commercial Communication Tower or an existing Public Utility Transmission tower shall be permitted by right in all nonresidential zoning districts. Said antenna shall be removed by the owner of the same within six (6) months of the discontinuance of its use. The owner shall provide Jefferson Township with a copy of the notice to the FCC of intent to cease operations. The six-month period for the removal of an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

801.14 COMMERCIAL COMMUNICATIONS FACILITY

Commercial Communication Facilities shall be subject to the following requirements.

A. COMMERCIAL COMMUNICATIONS ANTENNA

- (1) Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application.
- (2) The applicant shall provide a copy of its current Federal Communication Commission license.

B. COMMERCIAL COMMUNICATION TOWER

- (1) A written statement and graphic depiction that describes and depicts the proposed Tower including the type of construction (monopole, lattice tower, guyed tower), tower height and the provision for co-location;
- (2) The submission of not less than three color photos, no smaller than 8 inches by 10 inches, taken from locations within a three (3) mile radius of the proposed site of a Communications Tower, as selected by the Board and computer enhanced to simulate the as-built appearance of the Tower as it would appear from these locations.

- (3) Certification and documentation from a Pennsylvania registered professional engineer that the proposed Tower will be designed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Pennsylvania Uniform Construction Code and other applicable regulations.
- (4) The name, address, and emergency telephone number for operator of the Tower.
- (5) The applicant shall demonstrate, using technological evidence, that the Tower must be located where it is being proposed and that it represents the minimum height required to function satisfactorily.
- (6) All new Towers shall be engineered and constructed to accommodate at least one (1) other user.
- (7) Unless required by the FAA, no Tower may use artificial or strobe lighting. The tower shall be a brownish color (whether painted brown or caused by oxidation or otherwise to lessen its visual impact) up to the height of the tallest nearby trees. Above that height, it shall be painted silver or another color that will minimize its visual impact.
- (8) A Tower shall be setback from all property lines a distance that is not less than one hundred and twenty (120%) percent of the height of the Tower as measured in linear feet.
- (9) An applicant proposing the construction of a Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half ($1/2$) mile radius of the proposed Tower site be contacted. The applicant shall supply supporting documentation for not selecting an alternate location.
- (10) All guy wires associated with a Guyed Tower shall be clearly marked at ground level so as to be visible at all times and shall be located within a fenced enclosure.
- (11) No signs shall be mounted on a Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction, provided, however, that a sign shall be affixed to the security fence in an accessible and visible location containing the name and address of the owner of the Tower and a 24-hour emergency telephone number.

C. COMMERCIAL COMMUNICATIONS EQUIPMENT BUILDING:

A Commercial Communications Equipment Building shall meet the governing setback distances applicable to the district in which it is located.

D. DECOMMISSIONING AND RESTORATION REQUIREMENTS

A tower shall be removed from the site within six (6) months of its cessation of use. The applicant shall include the following information regarding decommissioning and removal of the tower and restoring the site:

- (1) The anticipated and/or estimated life of the project;
- (2) The estimated decommissioning costs in current dollars;
- (3) The method and schedule for updating the costs of decommissioning and restoration;
- (4) The method of ensuring that funds will be available for decommissioning and restoration;
- (5) The anticipated manner in which the project will be decommissioned and the site restored.
- (6) The applicant shall provide an appropriate and adequate demolition bond for purposes of removing the tower in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.
- (7) The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

E. INSURANCE REQUIREMENTS

The applicant shall provide a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 million per occurrence covering the Commercial Communications Facility.

801.15 CONTRACTORS' STORAGE YARDS AND/OR OUTDOOR STORAGE AS A PRINCIPAL USE

Commercial and/or or industrial uses utilizing outdoor storage space of more than two thousand (2,000) square feet shall be located on a tract of land of not less than one (1) acre with a complete listing of all types of items to be stored therein. No hazardous substances, as so defined in Article 2 of this Ordinance, shall be permitted upon the site. Supplies stored outdoors shall be neatly arranged and no required yard areas shall be used for storage. There shall be a roadway 14 feet in width provided for in every 40 linear feet of stored materials. The roadway shall be kept passable for fire-fighting equipment. Outside lighting shall be shielded and directed downward away from adjoining properties.

801.16 DAY CARE FACILITIES

All day care facilities shall comply with the following:

- A. The applicant or owner shall provide evidence of certification of compliance with all appropriate regulations of any designated State agency whose approval and/or license is required by the laws of the Commonwealth.
- B. Noise and all other possible disturbing aspects connected such use shall be controlled to the extent that the operation of such use shall not unduly interfere with the use and enjoyment of properties in the surrounding area.
- C. All day care facilities shall have an outdoor recreation area which shall be completely enclosed with a fence six (6') feet in height.
- D. The applicant shall supply evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting individuals to and from the facility.
- E. One off-street parking space shall be required for each employee.
- F. One off-street parking space shall be required for each vehicle used by the establishment for the purpose of transporting persons attending the facility

801.17 DETENTION FACILITY

The minimum lot size shall be 10 acres. All buildings must be setback not less than 500 feet from a property line. Where the detention facility abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than ten feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer area of not less than 300 feet

in width must be landscaped, and maintained in good condition at all times. No structures, parking, loading, storage of any kind, or any use shall be allowed within the buffer area.

801.18 DRIVE THROUGH FACILITIES.

Any use providing a drive-through (i.e., bank eating establishment, etc.) shall comply with the following requirements:

- A. The drive through lane or aisle shall be designed with adequate space for a minimum of four waiting vehicles per lane or aisle. There shall be a maximum of one lane or aisle per drive through window.
- B. Each drive through lane or aisle shall be clearly marked and designed so as to prevent traffic hazards and congestion while at the same time minimizing conflicts with pedestrian travel.
- C. Canopies situated over drive-through areas shall meet all setbacks requirements for the zoning district in which the property is located.

801.19 DWELLING OVER OR ATTACHED TO A BUSINESS

A dwelling unit over or attached to business establishments shall be designed as living quarters with private access, having adequate natural light and kitchen and bathroom facilities. Required residence parking and commercial parking must be provided for each use in accordance with the parking requirements of this Ordinance.

801.20 EMERGENCY SERVICES FACILITY:

Such a facility shall have a setback distance of not less than twenty (20) feet from all property lines. Where any parking area abuts the side or rear property lines of an adjoining residential use, a solid wall or solid opaque fencing eight (8) feet. In front of the fence or wall there shall also be a landscaped planting strip at least four (4) feet wide, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six (6) feet high within three (3) years.

801.21 ENTERTAINMENT FACILITIES

Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential traffic congestion. Such facilities shall not be closer than fifty (50') feet from any boundary of a district having residences as principal permitted use, shall provide adequate screening from any residential district, and shall be conducted entirely within an enclosed structure.

801.22 EXCAVATION OF MINERALS (as defined in Article 2)

Excavation and extraction of minerals, as defined in Article 2, shall be considered a temporary use, subject to the following requirements:

- A. Project Narrative: A written report shall be submitted by the applicant that includes the type of minerals proposed to be excavated, extracted, and/or removed from the site, the volume of such material and the maximum length of time associated with the proposed operation based upon the stated volume of material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to, proposed hours of operation, anticipated noise levels, and the type and volume of truck traffic to be generated with the proposed traffic routes to and from the site.
- B. Map: Submission of a map or maps at a scale of not greater than one (1") inch equals fifty (50') feet that outlines the entire property and the proposed area subject to excavation, extraction, and/or removal of minerals. Said map shall indicate existing contours prior to the start of work, and proposed final contours, including the proposed maximum depth of excavation at all points subject to excavation. Said map or maps shall also contain surface features showing the location of buildings, dwellings, places of worship, schools, railroads, highways and public uses within a distance of five hundred (500) feet from the perimeter of the proposed use.
- C. Distance Provisions: The perimeter of any excavation under this Section shall not be nearer than five hundred (500) feet from any building, property line or street, except that owned by the applicant.
- D. Limitation on Land Area: At any given time, the active excavation/extraction areas shall not exceed ten (10) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.
- E. Compliance With State Requirements: Final and/or unconditional approval for excavation, extraction and/or minerals under the provisions of this Ordinance shall not be issued until the applicant documents that all required licenses and/or permits have been properly secured from the applicable State and /or Federal agencies, including but not limited to the Pennsylvania Department of Environmental Protection.

801.23 FOOD PROCESSING

The processing, packaging, dressing and treatment of meat, poultry and fish products, shall be conducted wholly within a completely enclosed building. Smoke, noise, or odors affecting adjacent property shall be prohibited.

Any party wishing to establish and/or operate a “Group Residence,” in addition to all other applicable zoning regulations and/or requirements, shall be subject to the following supplemental requirements:

- A. The applicable requirements and standards which govern off-street parking for a single-family dwelling shall also govern for a Group Residence, however two (2) additional off-street parking spaces shall be provided and if there is any required staffing associated with the management and operation of a Group Residence.
- B. A Group Residence shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance with the character of the general vicinity in which it is to be located.

801.25 HOME OCCUPATIONS

A home occupation shall be subject to the following regulations:

- A. The occupation shall be carried on entirely within the principal structure or an attached or unattached accessory structure provided that the accessory structure is located on the same lot as the principal structure.
- B. No display or advertisement of products or services may be visible from outside the building. Any storage of materials associated with the home occupation shall be within the building.
- C. A sign no larger than two square feet in surface area is permitted. The sign may only be lit with indirect lighting.
- D. No person other than a resident of the dwelling unit may conduct the home occupation. No more than one non-occupant may be employed to perform secretarial, clerical or other assistance.
- E. Not more than 30%, or 600 square feet, whichever is less, of the total floor area of the building wherein the home occupation is being conducted may be devoted to the home occupation.
- F. Each home occupation shall have off-street parking as indicated below, in addition to that one space required for the dwelling unit.
 - 1. One space for the home occupation and one space for the non-resident\employee, if applicable.
 - 2. Three additional parking spaces for a physician, dentist, or other licensed medical practitioner.

3. Two additional parking spaces for a barber, beautician or other similar service occupations.
- G. The home occupation may not disturb the peace, quiet and dignity of the neighborhood by electrical interferences, dust, noise, smoke, or traffic generated by the use.
- H. There shall be no retail sales of goods except those goods that are prepared or produced on the premises.
- I. There shall be no change in the residential character of the building wherein the home occupation is being conducted.

801.26 INDUSTRIAL ACTIVITIES

All activities and uses permitted within the I-1 District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial waste, fire hazards and any other of the activities and uses which side effects are deemed injurious to the public health, safety and welfare by the United States Environmental Protection Agency (E.P.A.), the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry. It shall be the responsibility of the applicant to provide the Zoning Officer with a complete listing of all State and Federal regulations governing the proposed use and written compliance from the governing agencies. All industries are required to supply the Township Emergency Management Agency and the Fire Department with all applicable MSDS sheets, emergency operations and evacuation plans.

801.27 JUNK YARDS AND/OR AUTOMOTIVE WRECKING YARDS

All new junk yards and automotive wrecking yards, or the proposed expansion of an existing junk yard and automotive wrecking yard, shall comply with the following:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or place for the breeding of rodents and vermin.
- B. Burning of any materials shall be prohibited.
- C. No oil, grease, tires or gasoline shall be burned at any time.
- D. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on such premises.
- E. Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed said vehicle.
- F. The storage of any combustible materials, such as gasoline, oil or

related items, shall be placed in fireproof containers and stored within fireproof sheds.

- G. The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting purposes.
- H. There shall be no stockpiling of motor vehicles, nor shall there be any junk piled higher than four (4') feet.
- I. Fire lanes of a minimum width of twenty (20) feet in width shall be provided for every forty (40) linear feet of junk, which shall be kept open and unobstructed for proper access for fire-fighting equipment and safety purposes.
- J. Junk shall not be stored within one hundred (100') feet of any adjoining property line or nearer than one hundred (100') feet to any adjoining or abutting street.
- K. All junk yards shall be completely screened from view on all sides by a solid wall or substantial fence not less than eight (8') feet in height and an evergreen hedge with such evergreens being a minimum height of at least five (5') feet at the time of planting. Any fence or wall shall be no closer than five (5') feet to the property lines.
- L. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin.
- M. Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday, through Saturday from 8:00 A.M. to 8:00 P.M., local time.

802.28 LARGE RETAIL ESTABLISHMENT

When such an establishment abuts on the side or rear property line of a district having residences as a principal permitted use a setback distance of not less than fifty (50) feet shall be required. A Buffer Area as so defined in Article 2 shall be provided within the aforementioned setback distances of 50 feet. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets. Upward directed lighting is prohibited. Night lighting shall be provided for all pedestrian walkways. The maximum height of light poles in parking lots shall not exceed 18 feet.

801.29 MACHINE SHOPS.

Where the operation abuts a zoning district where residences are a principal

permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight feet in height shall be constructed and maintained in good condition along such boundary line, or a buffer yard of not less than 50 feet in width must be landscaped, and maintained in good condition. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited. All operations excluding pickups or deliveries shall be conducted within the enclosed building.

801.30 METHADONE TREATMENT FACILITY

- A. Such a facility shall provide documentation in the form of state licensing and/or a permit to operate such a facility.
- B. Such a facility shall not be established and operated closer than 1,000 feet to an existing residential district, school, public playground, public park, child care facility or church or place of worship.
- C. Any proposed methadone treatment facility shall include with its submission of a zoning permit application, an operational narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, a MD or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation
- D. Prior to occupancy, any existing structure proposed for adaptive reuse as a methadone treatment facility shall be brought into compliance with all current building codes and all other applicable City, County, State and Federal regulations.
- E. Any methadone treatment facility with direct access and/or frontage along a State Legislative Route shall include with its submission of a zoning permit application, a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis shall address the following:
 - 1. The number of vehicle trips expected to be generated during an average weekday including both a.m. and p.m. peak hours of adjacent street traffic.
 - 2. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.
 - 3. The routes, roadways or streets to reach the methadone treatment facility.
 - 4. The impact of the levels-of service at intersections within one half (1/2) mile of said methadone treatment facility.
 - 5. Recommended traffic control devices designed to mitigate any

documented adverse impact on adjacent roadways.

- F. Required Off-Street Parking for such a facility shall be provided in compliance with Article 10.

801.31 MEDICAL MARIJUANA DISPENSARY

Such a facility shall require documentation of a state license. The facility shall be located not less than 1,000 feet from a school, day care or child care facility, a public park and/or residential zoning district.

801.32 MEDICAL MARIJUANA GROWERS/ PROCESSORS FACILITY

Such a facility shall require documentation of a state license. A minimum lot size of one (1) acre shall be required. The facility shall be located not less than 1,000 feet from a school, day care or child care facility, a public park and/or residential zoning district. The property on which the facility is located shall be surrounded by a fence not less than 8 feet in height and constructed with industry-standard materials. There shall be no odors, fumes, smoke, dust or any other noxious pollutants discharge from the facility which exceed Federal and Commonwealth regulations. There shall be no storage of any form of marijuana or its byproducts outside the facility.

801.33 MINERAL EXTRACTION WITH AN ASPHALT, BATCH OR CONCRETE PLANT

- A. The use, activity or any aspect of the operation shall be located not less than 1,500 feet from the nearest inhabited residence, place of worship, or any public recreational activity. Furthermore, the setback distance of the use, activity or any aspect of the operation from surface water bodies, creeks, streams, wetlands and floodplains shall comply with the State mandated requirements.
- B. Except for approved access drives (which shall be secured by locked gates, which may only be open during business hours), the premises shall be completely screened to protect public safety with an industrial type gauge fence eight feet in height. Signs shall be conspicuously attached to the fence every 75 feet warning the public of the nature of the operation. A yard area not less than 50 feet in width shall also be maintained with natural vegetative ground cover along all exterior lot lines that are within 300 feet of an area of excavation. This yard shall include an earth berm with a minimum height of six feet and an average of one shade tree for each for each 50 feet of distance along the lot lines. The shade trees shall be planted outside of the required berm and fence. If substantial trees, vegetation or forest exist within the required yard area, then new plantings in those area is not necessary provided that the existing trees, vegetation or forest are well-kept, preserved, maintained and adequately serve the purpose for which the yard was to be created.

- C. The lot and operation thereon shall at all times be maintained so as not to constitute a public nuisance, or adversely impact the public health, safety or welfare. The days and hours of operation, including excavation, blasting and relating trucking, may be limited by the Zoning Hearing Board taking into consideration the characteristics of the neighborhood.
- D. The site shall contain a minimum of two access drives, each of which shall be not less than 24 feet in width, and all of which shall be improved in accordance with the Foster Township Subdivision and Land Development Ordinance, and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. Access drives shall be located so as to prevent public safety hazards, dust and noise.
- E. All applications shall include a plan that evidences the measures to be taken by the operator to prevent dust, dirt, stone or other debris from escaping from the facility onto any public property/street, or private property of another.
- F. All applications shall include an estimated life expectancy for the proposed use; a plan for the future productive use of the property once the life of the project has terminated; a proposed cost to reclaim the property and implement the future use; and a financial guarantee for implementation of that use.
- G. All applications shall include the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection, as part of the state permitting process.
- H. An asphalt, batch or concrete plant or processing operations shall constitute an industrial use and shall not be considered an accessory use, but a separate and distinct use that shall require special exception approval when located on the same lot where the mineral extraction is taking place. Furthermore, if an asphalt, batch or concrete plant is proposed on a property in which mineral extraction is not taking place items A through G above shall still apply.

801.34 MORTUARIES AND CREMATORIES

Sufficient area shall be provided for vehicular circulation on the lot and for the assembly area for the procession beyond the street right-of-way line. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be within an enclosed building or shall be screened from view from adjacent properties by a solid wall or substantial, attractive fence not less than six (6') feet in height. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

801.35 MOTELS AND HOTELS

A motel or hotel shall require a lot area, of not less than two (2) acres and a lot width of not less than two hundred (200') feet and shall contain at least 10 sleeping rooms not less than 1,000 square feet per sleeping room. The remaining floor area may be used for such uses as a restaurant, retail store, game room, ballroom and banquet room provided that these uses are primarily designed to serve the guests of the motel or hotel. All buildings and structures shall be not less than 60 feet from a front yard line, and not less than 35 feet from the side and rear lot lines. All areas not used for access, parking circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

801.36 NO IMPACT HOME-BASED BUSINESS

A No Impact Home-Based Business, as defined in Article 2 of this Ordinance, shall be permitted by right in all Residential Zoning Districts and zoning districts in which residences are permitted as a principal permitted use, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of the land, nor any master deed, bylaw, or other document applicable to common interest ownership community. The following standards and criteria shall apply to a No Impact Home-Based Business:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than the family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business, including, but not limited to, parking, signs or lights.
- E. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
- G. The business activity shall not occupy more than twenty-five (25%) of the habitable floor area.
- H. The business shall not involve any illegal activity.

801.37 NONPROFIT SOCIAL HALLS AND CLUBS

Buildings utilized for such purposes shall not be less than twenty (20) feet from any property line. Where such use abuts any R District, the following requirements shall apply to the side and rear yard property boundaries:

- A. All structures shall be located not less than fifty (50) feet from any property line which abuts any R District. Construction of a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the facility from adjoining properties.
- B. Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.
- C. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height.
- D. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

801.38 OUTDOOR WOOD-FIRED BOILER

An Outdoor Wood-Fired Boiler shall comply with the following standards

- A. The property must have a lot area of not less than two acres (2) acres.
- B. A safe flue or chimney shall be provided which has a minimum termination height of fifteen (15) feet above the natural ground level upon which the outdoor wood-fired boiler is located and be provided with a spark arresting device designed and approved for that purpose.
 - a. A fan or blower attached to the appliance to increase the efficiency of the Outdoor Wood-Fired Boiler.
- C. An outdoor wood-fired boiler shall be located not less than two hundred (200) feet from any property line and not less than forty (40) feet to any principal structure or building located upon the property.
- D. The outdoor wood-fired boiler shall have an orange hang tag that signifies that it meets the EPA's standards for Phase 1 air emission

levels of 0.60 pounds of fine particulates per million BTU heat input and qualifies for the EPS's voluntary program.

- E. All outdoor wood-fired boilers shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated within this Section shall apply unless the manufacturer's instructions more restrictive, in which case the manufacturer's instructions shall apply.
- G. The owner of the outdoor wood-fired boiler shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Section.
- H. All outdoor wood-fired boilers may only be utilized for the sole purpose of furnishing heat to a structure or building and/or providing hot water during the time period of October 1 through May 1; and subject to meeting the requirements of this Section.
- I. No homemade outdoor wood-fired boilers will be allowed.
- J. Only natural clean wood may be burned in outdoor wood-fired boiler. Regardless of the manufacturer's instructions an outdoor wood-fired boiler shall not be used to burn any of the following materials:
 - Any material that does not meet the definition of clean wood.
 - Furniture
 - Garbage
 - Tires
 - Lawn clippings or yard waste
 - Wet or soggy wood
 - Material containing plastic
 - Material containing rubber
 - Waste petroleum products
 - Paints and paint thinners
 - Chemicals
 - Any hazardous waste
 - Coal
 - Glossy colored paper
 - Construction and demolition debris
 - Plywood
 - Particleboard
 - Salt water driftwood
 - Manure
 - Animal carcasses
 - Asphalt products
- K. All storage of materials to be burnt in the outdoor wood-fired boiler shall be neatly stacked and/or stored under cover and free from insects

(termites, ants, etc.) or any type of disease carrying rodents.

- L. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with the owner's trash.

801.39 PLACES OF WORSHIP:

A minimum lot area of one acre shall be required for the use. Religious instruction and educational rooms may be permitted within the principal building as accessory uses. A minimum lot area of two acres shall be required when the use consists of one or more of the following accessory uses: primary or secondary school; day care center; and a single-family dwelling unit. Where the lot adjoins an existing residential dwelling unit, or is located within a residential zoning district, the parking area shall be screened along the side and rear lot lines with shrubbery or evergreen trees not less than four feet in height at the time of planting. The landscaped area shall be kept in good condition and continuously maintained.

801.40 PUBLIC UTILITY FACILITIES (ESSENTIAL)

Public utility facilities as defined in Article 2, shall conform to the following regulations for properties containing such uses:

- A. Access and parking shall be provided only for maintenance and servicing of such facilities.
- B. A chain-link fence and locked gate not less than eight (8') feet in height shall surround the building or structures of such facilities.
- C. A buffer area not less than ten (10') feet in depth and comprised of trees and/or shrubs designed to conceal such buildings or structures of such facilities.
- D. Outside lighting shall be directed away from adjacent properties.
- E. The location, design and operation of such facilities shall not adversely affect the character of any adjacent residential properties.

801.41 RECREATIONAL FACILITIES - (OUTDOORS AS A PRINCIPAL USE)

All such facilities, whether public, private or commercial, shall conform to the following regulations:

- A. No outdoor recreation activity shall be conducted closer than one hundred (100') feet to any property line.

- B. A Buffer area, as defined in Article 2 shall surround the property except for access drives.
- C. Unless superseded by a PennDOT Highway Occupancy Permit Highway Occupancy Permit, access drives shall be not greater than twenty-five (25') feet in width; parking areas shall not be located within buffer areas.
- D. Storm drainage from the site shall be channeled to natural drainage courses and away from adjoining properties.

801.42 RESTAURANTS AND TAVERNS

Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

801.43 SATELLITE DISH ANTENNA (NONCOMMERCIAL)

A freestanding noncommercial satellite dish antenna, as so defined in this Ordinance, shall be deemed an accessory use, permitted by right in all zoning districts. Granting approval for the establishment and/or construction of a satellite dish antenna shall not restrict or imply to restrict the use or development of another zoning lot. The height of a noncommercial satellite dish antenna, including any supporting device, measured from ground level to its highest point of elevation, shall not exceed the maximum height restriction of the zoning district in which it is located. The following supplemental provisions shall apply.

A. Location on Lot

No satellite dish antenna shall be installed on a portable or moveable device.

B. Number on Lot

Not more than one satellite dish antenna shall be permitted on a zoning lot.

C. Size Limitations

The dimensions of a satellite dish antenna measured from its outermost edges cannot exceed twelve (12) feet in diameter.

D. Roof-Mounted

A roof-mounted satellite dish antenna having a diameter not greater than three (3) feet and installed in accordance with the manufacturer's specifications shall be exempted from securing zoning approval.

801.44 SELF-STORAGE FACILITY

A property containing a building or group of buildings in a controlled-access and fenced compound, containing varying sizes of individual compartmentalized and controlled-access stalls or lockers for dead storage of customers' goods and personal property, with storage space available for rental to the general public. All storage shall be contained within a completely enclosed building or buildings. There shall be a minimum spacing of twenty-five (25) feet between buildings for traffic circulation, parking and fire lane purposes. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties and streets.

801.45 SEXUALLY ORIENTED BUSINESS

No Sexually Oriented Business, as so defined in Article 2 of this Ordinance, shall be located less than 1,000 feet from any of the following uses:

1. A residential dwelling.
2. A place of worship
3. A public or quasi-public use or structure.
4. A zoning boundary of any zoning district in which residences are permitted as a principal permitted use.

Measurements of the required distance shall be made in a straight line, from the nearest portion of the structure or premises of an adult use, to the nearest property line of the above noted uses. The structure and/or premises of an adult use, including all off-street parking areas shall be completely enclosed by a fence, not less than eight (8) feet in height and screened by a variety of evergreen trees which shall be planted not more than six (6) feet apart and being not less than eight (8) feet in height at the time of planting. The owner of the property shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die, removed by whatever means or otherwise fail to grow.

801.46 SHORT-TERM HOME RENTAL

A Short-Term Home Rental shall be required to be licensed under the Jefferson Township Short Term Rental Ordinance, Ordinance Number ___ of 2021 and operated in compliance with said Ordinance.

801.47 SOLAR ENERGY SYSTEM, ACCESSORY (ASES)

A. AN ACCESSORY SOLAR ENERGY SYSTEM SHALL MEET THE FOLLOWING CRITERIA:

1. Is fueled solar power.
2. Is located in the power beneficiary's premises.

3. Is intended primarily to offset part or all offset beneficiary's requirements for electricity.
4. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

B. DESIGN AND SUPPLEMENTAL REQUIREMENTS

1. Solar collection systems shall not be located in the front yard between the Principal structure and the public right-of-way, or private street.
2. Shall not be located in the front yard between the principal structure and the public right-of-way or private street.
3. If not located on a roof-top then must meet the minimum setbacks of an accessory building of the zoning district in which it is located.
4. Height: Freestanding Collection systems shall not exceed twenty (20') feet in height.
5. Size: Freestanding Collection systems on residential properties shall not exceed the greater of one-half ($1/2$) the footprint of the principal structure or six hundred (600) square feet, whichever is greater. The size of arrays for non-residential properties shall not exceed one-half ($1/2$) of the footprint of the principal structure except for rooftop systems.
7. Solar Collection Systems are permitted to be located on the roof or the exterior wall of a structure subject to the following:
 - i. Collection systems shall not extend more than five (5') feet above the roof line;
 - ii. Collection systems shall not exceed the maximum height permitted in the zoning district in which it is located; and
 - iii. Collection systems located on the roof or attached to a structure shall provide, as part of their permit application a structural certification.
8. Code Compliance: To the extent applicable, a Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry.
9. Compliance with industry standards. 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 UCC, 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.

10. 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 or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - i. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.
 - ii. 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.
 - iii. For residential applications, a registered home improvement contractor with the Pennsylvania Attorney General's Office.
11. Maintain in good working order. Upon completion of Installation, the ASES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the ASES was constructed.
12. Underground requirements. All on-site utility, transmission, and plumbing lines shall be placed underground.
13. Signage. The display of advertising is prohibited.
14. Glare.
 - i. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures, buildings, or roadways.
 - ii. 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 siting or mitigation.
15. Solar easements. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant, owner, or landowner for an ASES, such matter shall be carried out as a private agreement among the parties of which the Township shall not be a party. The Township shall also not be responsible for ensuring the maintenance or enforcement of any solar easement.

801.48 SOLAR ENERGY SYSTEM, PRINCIPAL (PSES)

A. 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 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) for solar thermal installation.
 2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (IS PQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.
- B. Operating standards. Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards and any other codes under which the PSES was constructed.
- C. Underground requirements. All on-site transmission and plumbing lines shall be placed underground.
- D. Utility notification. The owner of a PSES shall provide the municipality 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 approved of such connection.
- E. 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 it complies with the nameplate and identification sign requirements of this ordinance.
- F. Glare. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures, buildings, and roadways. 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 siting or mitigation.
- G. Noise study. A noise study shall be performed and included with the zoning permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES may not exceed 50dBA, as measured at the property line.
- H. Buffer and screening requirements. A PSES shall be considered a land development and shall comply with the general buffer and screening requirements of this ordinance. In addition, no trees or other landscaping required as a condition of approval may be removed during the installation or operation of a PSES.

- I. Contact Information: The PSES owner or operator shall provide current contact information to the Township which includes a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquiries, and complaints for the duration of the project. The contact information shall be conspicuously posted on the property so a person would not believe they were trespassing while viewing it.
- J. Emergency Preparedness Plan: The owner or operator shall furnish a written emergency preparedness plan outlining the procedures on how emergencies will be handled. The plan shall include the manner that the owner or operator will coordinate with local emergency service providers in the event of an emergency.
- K. Solar Easements: Where a solar easement is proposed by the owner or landowner for a PSES, a written agreement in recordable form constituting a covenant running with the land shall be provided to the Township as part of the subdivision and land development. The Township shall not be a party to any agreement, nor an independent third-party beneficiary and will not be responsible for enforcement or maintenance of any solar easement.
- L. SALDO: All PSES shall constitute a subdivision and/or land development.
- M. Decommissioning:
 - 1. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the use. The PSES shall be presumed to be discontinued or abandon if no electricity is generated by the system for a continuous period of 12 months.
 - 2. The PSES owner shall then have six 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, transmission and plumbing lines, roads, foundations, and other associated facilities from the property. The owner shall also restore the land to its original condition pre-dismantling condition. If the owner fails to dismantle or remove the PSES and restore the land within the six-month time-period, the Township may, but shall not be required to, complete the decommissioning and land restoration at the owner's expense.
 - 3. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security to the Township to secure the expense of dismantling and removing the PSES and restoration of the land to its original condition. The financial security shall be in the amount of 110% of the costs of decommissioning. The decommissioning funds shall be posted and maintain during the life of the project in the form of a performance bond, irrevocable letter of credit, or other financial form of security acceptable to Board of Supervisors.

4. An independent and certified professional engineer shall be retained by the governing body at the owner's cost to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment. Thereafter, the owner shall retain an engineer to provide the municipality with cost estimates of decommissioning after the first year of operation and every fifth year thereafter.

N. Ground mounted principal solar systems. Ground mounted PSES shall have a:

1. Minimum lot size of 10 acres.
2. Minimum setback at all property lines of 500 feet.
3. Maximum height of 18 feet.

O. Maximum building coverage: The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered part of the maximum building coverage.

801.49 SCHOOL

A school, whether public or private, primary or secondary, shall have a minimum lot size of three acres, and any outdoor recreational or play area shall be located not less than 150 feet from any residential lot line, or existing residential dwelling unit.

801.50 SUBSTANCE ABUSE TREATMENT FACILITY

1. Any type of Substance Abuse Treatment Facility as defined in Article 2 of this Ordinance shall require to be licensed by the Pennsylvania Department of Drug and Alcohol Programs.
2. Maximum Number of Beds: The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department Drug and Alcohol Program, but in no case shall such a facility be designed and/or used to accommodate more than 15 overnight patients.
3. Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
4. Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility with the dimensions and square feet of each room therein and its intended purpose and use.
5. Any type of substance abuse treatment facility shall provide its intended hours of operation.

6. Any type of substance abuse treatment facility shall provide a copy of on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.
7. Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility including those indirectly employed under contracted services.
8. Insurance Coverage - No person shall operate a Non-Hospital Drug Free Residential Substance Abuse Treatment Facility unless they obtain and maintain the following liability insurance coverage:
 - a. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
 - b. At a minimum, the policies shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and two million five hundred thousand dollars \$2,500,000.00) per aggregate.
 - c. Coverage shall remain in full force during the entire time that the facility is permitted. Failure to provide such proof shall result in revocation of zoning approval.
9. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
10. Off-street parking shall be provided at a ratio of one (1) vehicle parking space per each employee, including those via contracted services, plus one vehicle parking space for every two (2) beds. Off-street parking shall be subject to all other applicable provisions within the Jefferson Township Zoning Ordinance governing off-street parking.
11. A substance abuse treatment facility shall not be located less than one thousand (1,000) feet from any other substance abuse treatment facility, to an existing residential zoning district, to a school, to a public playground, to a public park, to a child care facility or to church or place of worship.
12. If a substance abuse treatment facility is located within two hundred fifty (250) feet of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

801.51 TOWNHOUSES

Townhouses shall be subject to the following provisions and all applicable provisions of the Jefferson Township Subdivision and Land Development Ordinance:

- A. Townhouse buildings shall contain no more than six single-family dwelling units. The maximum density for a townhouse development shall not exceed 12 dwelling units per gross acre.
- B. Minimum Lot Width shall be two-hundred (200) feet.
- C. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be forty (40%) percent.
- D. Minimum lot depth per dwelling unit shall be not less than one-hundred (100) feet.
- E. Minimum lot area per dwelling unit shall be not less than 2,000 square feet.
- F. Minimum front yard setback shall be not less than thirty (30) feet.
- G. No side yard setbacks shall be required for attached interior townhouse units. A minimum side yard setback of not less than fifteen (15) feet shall be required only at the ends of the rows of Townhouses.
- H. Minimum rear yard setback shall be not less than thirty (30) feet.
- I. Minimum width of each dwelling unit shall be not less than twenty (20) feet.
- J. Maximum building height shall be 2 ½ stories or thirty-five (35) feet.
- L. Minimum distance between principal structures shall be not less than thirty (30) feet.
- K. Minimum front yard setback for off-street parking areas shall be not less than ten (10) feet.
- L. Minimum rear yard setbacks for off-street parking areas shall be not less than fifteen (15) feet.
- M. Two (2) off-street parking spaces shall be provided for each dwelling unit.
- N. No dwelling unit shall have its own driveway entering onto a public street.

- O. Unattached accessory structures such as pools, garages, carports and sheds shall be prohibited in the front yard. Unattached accessory structures located in the side or rear yard shall have not less than five (5) feet side and rear yard setbacks. Attached accessory structures shall have the same setbacks as required for principal structures.

801.52 TRUCKING FACILITIES, INCLUDING REPAIR AND STORAGE

The minimum lot size shall not be less than four acres. Access drives shall be sufficient in width to accommodate the use, but in no event exceed 25 feet in width. Access drives must connect to a public street. Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than 300 feet in width must be landscaped, and maintained in good condition. No parking, loading, idling, storage of any kind, or trucking use shall be allowed within the buffer yard. All truck idling in excess of fifteen (15) minutes shall be prohibited.

801.53 WAREHOUSE AND DISTRIBUTION FACILITIES

All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited. Access drives shall be sufficient in width to accommodate the use, but in no event shall any access drive exceed 25 feet in width. No activities including off-street parking shall be allowed within 150 feet of a property line abutting a district having residences as a principal permitted use. All truck idling in excess of fifteen (15) minutes shall be prohibited.

801.54 SMALL WIND ENERGY CONVERSION SYSTEM (WECS)

A. DESIGN AND INSTALLATION

1. Design Safety Certification

The design of a Small WECS shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer's from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

2. All components of a small WECS shall be designed and

constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform Construction Code.

3. Controls and Brakes

A small WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4. Electrical Components

- a. All electrical components of a small WECS shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
- b. The maximum turbine power output shall be limited to 10 KW.
- c. All on-site electrical wiring associated with the system shall be installed underground except for "tie- ins" to a public utility company and public utility company transmission poles, towers and lines.
- d. A Small WECS shall not cause disruption or loss of radio, telephone, television or similar signals, and shall be required to mitigate any harm caused by the operation of the system.
- e. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, or generator where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- f. Anchor points for any guy wires for a small WECS shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

B. VISUAL APPEARANCE

1. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

2. A small WECS's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
3. A small WECS shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:
 - shall not project above the top of ridgelines.
 - shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

C. LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS:

1. A small free standing WECS shall be located on a lot with a minimum size of not less than two (2) acres.
2. The maximum turbine height for a small WECS that is installed as a free-standing structure shall be as follows:
 - 65 feet on parcels between two and five acres.
 - 80 feet on parcels of five or more acre.

A roof-mounted system shall not extend more than ten (10) feet above the structure or building on which it is mounted and shall not be subject to a minimum lot size otherwise applicable to a free-standing structure.

3. Setback requirements. A small WECS that is installed as a free-standing structure shall not be located closer to a property line than two and a half (2.5) times the turbine height as measure from the center of the base and/or concrete pad to which it is attached.
4. Only one small WECS per legal lot shall be allowed.

D. CLIMB PREVENTION/LOCKS

1. Towers shall be constructed to provide one of the following means of access control or other appropriate method of access:
 - Tower-climbing apparatus located no closer than 15 feet from the ground.
 - A locked anti-climb device installed on the tower.
2. A locked, protective fence at least six feet in height shall enclose the tower and electrical equipment to prevent entry by non-authorized persons.

E. NUISANCE ISSUES:

1. Audible sound from a Small WECS shall not exceed forty-five (45) dBA, as measured at the perimeter of any property boundary line upon the property which it is located. Methods for measuring and reporting acoustic emissions from the operations of a Small WECS shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of the Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. Reasonable efforts shall be made to preclude shadow flicker to any building off-site located upon a property not owned by the owner of the Small WECS.

F. ABANDONMENT

A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property by and at the expense of the property owner.

801.54 WIND ENERGY FACILITY: PRINCIPAL WIND ENERGY FACILITY (“PWEF”)

A. Compliance Standards.

The design of the PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL) Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of the Township. The applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations. The manufacturer specifications shall be submitted with the zoning permit application.

1. To the extent applicable, the PWEF shall comply with the PA Uniform Construction Code.
2. All electrical components of the PWEF shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

B. Noise.

1. The audible sound from a wind turbine may not exceed 45 A-weighted decibels and shall also not exceed 55 C-weighted decibels, as each is measured at the lot line of a property of a non-participating landowner within one mile or less from the nearest property line on which a wind

turbine is located unless a written waiver is provided by the landowner. This requirement shall be a maximum noise level using a Lmax standard, and not based upon an average. Audible tones from electrical or mechanical components are prohibited. Measurements shall comply with ANSI/ASA S12.9 Part 3, Short Term Measurements with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI.ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.

2. The above maximum noise limits shall be reduced to 42 A-weighted and 52 C-weighted decibels between the hours of 10 p.m. and 7 a.m., local time. However, the noise limits shall not be reduced below 45 A-weighted decibels where the applicant provides evidence that the current continuous background sound level without the wind turbines would be higher than 42 A-weighted decibels. The continuous background sound level shall be determined per the methods of ANSI/ASA S12.9 Part3 and ANSI/ASA S12.100.
3. All required noise studies and testing shall be completed by a qualified independent professional having specialized expertise in noise analysis. The qualifications of the person conducting the analysis shall be included in the zoning permit application. ANSI standards shall be used for calibration of the noise meter.
4. With the zoning permit application, the applicant shall provide a written noise study that projects the maximum sound levels at the property line of the nearest five non-participating landowners, and that recommends measures that may be used to minimize noise impacts. The noise study shall document compliance with the A- and C-weighted decibels maximum level requirements of this subsection.
5. The applicant shall provide an independent written test of actual noise produced by the project upon completion, and every two subsequent years after the project is completed, to document compliance with the noise standards in this subsection. If the project will involve more than 10 total wind turbines, then the noise study shall also be completed after each 10 wind turbines are put into service. If the testing finds that the noise levels in this section are being violated, then the owner of the wind turbines shall immediately take the wind turbines out of service until such modifications, replacements, or repairs are made to the wind turbines as are required or necessary to make them comply with the noise levels of this subsection.
6. In addition to the noise studies provided above, at any time when the zoning officer has reasonable cause to believe that the noise limits of this subsection is being violated the zoning

officer may request that an independent third-party professional conduct tests to ascertain compliance with the noise limits. The facility operator shall assist with the tests.

7. If the Township institutes an enforcement action because of a violation of the noise limits, and if the facility owner is found liable for the violation in a civil enforcement proceeding, then in addition to any other rights or remedies available to the Township, the judgement shall require the facility owner to pay the Township's costs and expenses to prove non-compliance with the noise requirements, including the tests to determine the noise levels. Such costs shall be paid within 30 days by the facility owner after the final judgement. In the event the facility owner does not pay such costs within 30 days, the Township may pursue appropriate remedies at law or equity to recover such costs and expenses from the facility owner, including placing a municipal lien against the property upon which the project is located. Therefore, in any enforcement action, the landowner shall also be notified. By authorizing the facility owner to make application, the landowner consents to the ability of the Township to place a lien against the land in the event of a violation.

C. Vibrations.

Vibrations. A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located. Wind turbines may not cause airborne vibrations which are perceptible to people or structures.

D. Accessory buildings, structures, and mechanical equipment.

1. When an accessory building or structure is necessary, it shall comply with the principal building requirements of the zoning district in which it is located.
2. Accessory buildings, structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes under the buffering and screening requirements of this Ordinance. The buffer shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence or wall meeting the requirements of this ordinance may be used.
3. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and existing environment.

E. Underground Requirements. On-site transmission and power lines between wind turbines shall be placed underground.

- F. Utility notifications. The owner of a PWEF shall provide the Township with written confirmation that the public utility to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
- G. Signage. PWEF shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner operator.
- H. Lighting. PWEF shall not be artificially lit, except to the extent required by the Federal Aviation Administration, the Pennsylvania Department of Transportation Bureau of Aviation (BOA) or other applicable authority that regulates air safety.
- I Color.
 - 1. PWEF shall be painted a non-reflective, flat color such as white, off grey, or grey unless required to be colored differently by FAA or BOA regulations.
 - 2. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend the PWEF into the natural setting and existing environment.
- J. Braking system. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation may not be considered a braking system for overspeed protection.
- K. Shadow Flicker.
 - 1. The applicant shall provide an analysis with a map of the shadow flicker impacts of the project upon any non-participating landowner's property that will be impacted by this effect. The analysis shall be conducted by a qualified professional using generally accepted modeling methods and shall estimate the number of hours per year that a non-participating landowner's property will be impacted by shadow flickering. No lot line of a non-participating landowner's property shall be affected by shadow flicker for a total of more than 20 hours per year, and no more than 30 minutes per day. Such analysis shall include recommendations for conditions to minimize the number of affected non-participating landowner's properties, the hours affected and the severity of the impacts from shadow flicker. This provision shall not apply to an affected property if a written and signed waiver is provided by the owner of said property.
 - 2. A PWEF shall be designed in such a manner as to not cause shadow flicker on a roadway.

- L. Location. No part of any PWEF shall extend over parking areas, access drives, driveways, or sidewalks. No blade or any component part of a PWEF shall extend beyond the boundaries of the zoning district in which it is located. Wind turbines shall be separated from each other by a minimum distance of five times the diameter of the rotors.

- M. Insurance. The PWEF owner or operator shall maintain a current general liability policy covering:
 - 1. \$1,000,000.00 of personal or bodily injury to or death of any person.
 - 2. \$3,000,000.00 for personal or bodily injury to or death of any number of persons arising from any one occurrence.
 - 3. \$1,000,000.00 for any instance of property damage.
 - 4. An umbrella liability insurance coverage shall also be maintained with coverage to be not less than \$3,000,000.00 for each occurrence and \$3,000,000.00 in the aggregate. Certificates of insurance for the above required coverage shall be provided to the municipality annually.

- N. Ice throw: The potential ice throws or ice shedding for a PWEF shall not cross the property line on which a PWEF is located nor impinge on any right-of-way or overhead utility line.

- O. Electronic interference: The facility owner and operator shall ensure that the design and operation of any PWEF avoids any disruption or loss of radio, telephone, television, cell, Internet, VOR signalization for aircraft, or similar signals, and shall mitigate any harm caused by the wind energy facility.

- P. Lot size: For a tract of land to be eligible for a PWEF, it shall have a minimum lot size of three acres for each wind turbine.

- Q. Setback Distances.
 - 1. Wind turbines shall be set back from the nearest occupied building or non- occupied building on the participating landowner's property a distance not less than the setback requirements for the zoning district in which it is located for a principal building or two times the turbine height, whichever is greater. The setback distance shall be measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied building or non-occupied building.
 - 2. Wind turbines shall be set back from the nearest occupied building or non- occupied building located on a non-participating Landowner's property not less than five times the turbine height, or 1,500 feet, whichever is greater as measured horizontally from the center of the wind

turbine base to the nearest point on the foundation of the occupied or non-occupied building.

3. All wind turbines shall be set back from the nearest property line not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
4. All wind turbines shall be set back from the nearest public road a distance not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
5. Each wind turbine shall be set back from above-ground power lines, public telephone lines and television cable lines a distance no less than two times its total height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on such lines.
6. Wind turbines shall be set back at least 1,500 feet from important bird areas as identified by Pennsylvania Audubon and at least 500 feet from identified wetlands.
- R. Setback: The base of any wind turbine shall be setback 500 feet from the centerline of a perennial waterway and 2,000 feet from the average water level of a public water supply reservoir.
- S. Height. The maximum wind turbine height may not exceed 450 feet and must comply with all regulations imposed by the FAA.
- T. Visual impact and analysis. The applicant shall provide a visual analysis of the project. The analysis shall include a three-dimensional computer-generated surface model that accurately depicts the wind turbines in proper scale and location in relationship to the surrounding terrain from not less than 10 different locations within the Township. The 10 locations shall include any combination of public roads and public and/or private properties that may experience the greatest visual impacts. The applicant shall also be required to conduct a subsequent balloon test at the 10 selected locations to confirm the visual impact of the three-dimensional computer-generated surface model. Public notice as defined under the PA MPC shall be required regarding the time and dates of balloon test.
- U. Property values: The applicant shall submit an analysis by a qualified appraiser of the actual impacts upon residential property values of a similar set of wind turbines in a mostly rural community within the United States. Such analysis shall compare changes in property values of impacted dwellings to changes in property values of non-impacted dwellings over the same time-period. Properties within a one-mile radius of a wind farm shall

be considered, as well as properties outside that radius. The study shall be completed by an appraiser who has an active MAI, SRA or SRPA certification from the appraisal institute. The appraiser must also have a Pennsylvania appraiser license.

V. Warnings.

1. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

W. Safety and security:

1. All access doors to wind turbines, including electrical equipment outbuildings and all appurtenances thereto shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
2. The minimum distance between the ground and any part of the wind rotor blade shall be 30 feet.
3. To limit climbing access, a six-foot high fence with a locking gate shall be placed around the PWEF.
4. Wind turbines' climbing apparatus shall be limited to no lower than 15 feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

X. Use of Public Streets.

1. The Applicant shall identify all public streets to be used within the Township to transport equipment and parts for construction, operation, or maintenance of the PWEF.
2. The Township Engineer or a qualified third-party engineer selected by the Township and paid for by the applicant, shall document street conditions prior to construction. The documentation shall include photographs and video recordings of all approved travel routes to substantiate the report. The applicant shall ensure a Township official designated by the Township Board of Supervisors is present when photographs and video tapes are taken. Copies of the inspection report, photographs, and video tapes shall be submitted to the Township. The engineer shall document road conditions again 30 days after construction is complete or as weather permits. The applicant is responsible for all repairs and remediation of any damaged streets resulting from the installation or subsequent maintenance of a wind energy facility. Such repairs and remediation shall be completed with 30 days from the time of damage

unless a greater amount of time is approved by Township Board of Supervisors.

3. Any street damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
4. A bond shall be posted by the applicant to compensate the Township for any damage to Township streets in compliance with state regulations. An improvement and maintenance agreement shall also be entered into between the operator and the Township in a form acceptable to the Township solicitor to ensure that if any streets are damaged the operator shall be responsible for their replacement or repair.
5. The applicant shall demonstrate that it has appropriate financial security to ensure the prompt repair or replacement of damaged streets.
6. Every effort should be made to use existing logging roads. New deforestation and forest fragmentation must be kept to a minimum. Private entrance roads to PWEF shall be maintained in a mud-free condition.

Y. Local Emergency Service:

1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including Township designated emergency service providers.
2. The facility owner and operator shall abide by all applicable local, state, and federal fire code and emergency guidelines.
3. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.
4. The facility owner and operator shall maintain a phone number and identify a responsible person for emergency contact.

Z. SALDO: All PWEF shall constitute a subdivision or land development.

AA. Decommissioning:

1. The facility owner and operator shall complete, at their own expense decommissioning of the PWEF or individual wind turbines, and all related improvements, within 12 twelve months after the end of the useful life of the facility or individual wind turbines, or when the use has been discontinued or abandoned by the facility owner and operator. The PWEF or individual wind turbines will be presumed to be at the end of its useful life, discontinued or abandoned if no

electricity is generated for a continuous period of 12 months.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, streets, foundations to a depth of 36 inches, transmission lines and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and receives written approval from the Township that the access roads, or other land surface areas not be restored.
4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). The estimates shall be submitted to the municipality after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds, representing a financial guarantee in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 110% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth of Pennsylvania chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania and is approved by the Township.
6. Decommissioning funds may be in the form of a performance bond, surety bond, irrevocable letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If the facility owner or operator fails to complete decommissioning within the six-month period, then the landowner shall have six months to complete decommissioning.
8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the Township shall have the authority to take such measures as necessary to secure and utilize decommissioning funds to complete decommissioning activities. The entry onto and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township to implement the decommissioning plan.