

WEST PENN TOWNSHIP  
SCHUYLKILL COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 1 OF 2025

**AN ORDINANCE TO AMEND THE WEST PENN TOWNSHIP ZONING  
ORDINANCE BY AMENDING AND RESTATING SECTION 505 THEREOF TO  
ADD PROVISIONS REGARDING DECOMMISSIONING OF SOLAR ENERGY  
COLLECTION DEVICES; AND PROVIDING FOR A REPEALER, PROVISIONS  
REGARDING VALIDITY AND THE EFFECTIVE DATE OF THE ORDINANCE.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Section 505 of the West Penn Township Zoning Ordinance (the “Zoning Ordinance”) is hereby amended to read in its entirety as follows:

505. **Dimensional and Decommissioning Provisions for Solar Energy Collection Devices.**

- A. Article 3 lists where solar energy collection devices are allowed, and the maximum percentage of lot area that can be covered.
- B. See Section 502.D. which allows solar energy collection devices to exceed the maximum height. Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.
- C. Solar energy collection devices that are not located on a building roof shall not: (1) be located in a minimum front yard (such as within the first 30 feet from the right-of-way where a 30 feet front yard is required in the zoning district), and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.
- D. For all solar energy collection devices requiring land development approval under the Subdivision and Land Development Ordinance, the solar energy collection device owner shall provide a decommissioning plan, submit proof of financial assurance to the Township and provide notice to the landowner.
  1. The solar energy collection device owner is required to notify the Township immediately upon cessation or abandonment of the operation. The solar energy collection device owner shall, at its expense, complete decommissioning of the solar energy collection device within twelve (12) months after the end of the useful life of the collection device. The solar energy collection device will presume to be at the end of its useful life if no electricity is generated for commercial production and distribution for a continuous period of twelve (12) months.
  2. Unless the landowner and solar energy collection device owner mutually agree in writing on an alternative condition for restoring the property and the Township concurs, the Decommissioning Plan shall include the following:
    - (a) Removal of all non-utility-owned equipment, conduits, structures, fencing and foundations to a depth of at least three feet below grade. Equipment and materials

that the public utility requires to remain on site shall not be required to be removed. To the extent possible, the materials should be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials as required by federal or state law.

- (b) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads, stormwater facilities or other land surface areas not be restored. If the landowner waives the reclamation clause, they must also agree to assume responsibility for all permitted facilities with appropriate regulatory agency. Copies of approved permit transfer must be provided to the Township.
  - (c) The restoration of the property to a condition reasonably similar to the property's condition before the commencement of construction, including the replacement of top soil removed or eroded on previously productive agricultural land. Photographs, aerial imagery, and a narrative describing conditions prior to commencement of construction should be included in the Decommissioning Plan.
  - (d) Reseeding of a cleared area, unless requested in writing by the landowner to not reseed due to plans for agricultural planting.
3. A third-party professional engineer retained by the solar energy collection device owner, at their cost, and acceptable to the Township, shall estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment ("Gross Decommissioning Costs"), and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). The solar energy collection device owner shall provide financial security of 110% of the Decommissioning Cost Estimate. The estimate may include an estimated salvage and re-sale value, discounted by a factor of 10%.

The decommissioning cost estimate formula shall be:

Gross Cost of Decommissioning Activities - 90% credit of salvage of re-sale value = the Decommissioning Cost Estimate.

Said estimates shall be submitted to the Township on or before the fifth anniversary of the commencement of construction of the solar energy collection device and every fifth year thereafter. Upon concurrence from the Township Engineer, the decommissioning bond shall be updated to reflect the approved amount. The solar energy collection device owner shall be responsible for the costs associated with the Township Engineer's review.

- 4. Decommissioning funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are an acceptable form to the Township. These funds must be posted to the Township as a condition of Final Land Development Plan approval.
- 5. If the solar energy collection device owner fails to complete decommissioning within the period prescribed by subsection 1 above, (1), the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, the irrespective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

6. The Township shall release the decommissioning funds when the solar energy collection device owner has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan. The Township shall retain not less than 10% of the Cost Estimate to secure satisfactory restoration for a term not to exceed thirty-six (36) months from the date of completion of the decommissioning.
7. In the event of sale or transfer of the solar energy collection device, the acquiring entity shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer and solar energy collection device owner.

**Section 2.** All Ordinances or Resolutions, or parts of Ordinances or Resolutions, in so far as they are inconsistent herewith, shall be and the same are hereby repealed.

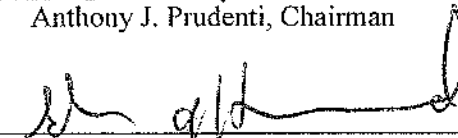
**Section 3.** If any section or part of a section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or section of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.

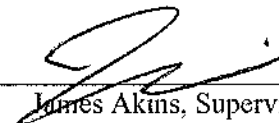
**Section 4.** This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 18<sup>th</sup> day of March, 2025, by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF  
WEST PENN TOWNSHIP

By:   
Anthony J. Prudenti, Chairman

By:   
Glenn Hummel, Supervisor

By:   
James Akins, Supervisor

ATTEST:

  
Secretary