

TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024 - 4

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TULPEHOCKEN TOWNSHIP ZONING ORDINANCE OF 2013, AMENDING REGULATIONS FOR SOLAR ACCESSORY USES AND TO REQUIRE UPDATING CONTACT INFORMATION FOR TOWER BASED WIRELESS COMMUNICATION FACILITIES

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, Tulpehocken Township Board of Supervisors enacted a Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, on April 8, 2013 and has subsequently amended it multiple times; and

WHEREAS, the Township enacted Ordinance Number 2024-1 on January 3, 2024 amending the Zoning Ordinance of 2013 to establish rules and regulations for the use of solar energy systems; and

WHEREAS, upon application of the rules and regulations, the Township determined it would be best to revise the definition of accessory solar energy system and solar energy production facility; and

WHEREAS, to address the concerns learned through the application of the rules and regulations for solar accessory uses in the Township desires to amend the Zoning Ordinance to amended the definition of accessory solar energy system and solar energy production facility; and

WHEREAS the Board desires to correct an error regarding registration of contact information for tower based wireless communication facilities.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 300 entitled "Definitions", Section 308 entitled "Definition of Terms" is hereby amended to amend the definition of accessory solar energy system and solar energy production facility and add definitions of solar array and solar energy collector:

ACCESSORY SOLAR ENERGY SYSTEM: a Solar Energy System which has a collector area of less than or equal to one thousand square feet (1,000 sq. ft.) (for thermal) or a rated capacity of less than or equal to the amount of energy necessary to meet requirements of 105% of average use of electricity for previous 12 months for the property except

(1.)

(A.) for residential principal uses where previous 12 month electrical bills are not available due to change of ownership or new construction

(i.) the rated capacity shall be equal to or less than 15 kilowatts or

(ii.) documentation provided to and acceptable to the zoning officer exhibiting solar calculation demand for future draw multiplied by 105%.

(B.) for agricultural, commercial, and industrial principal uses the kw stated on documentation provided to and acceptable to the zoning officer exhibiting solar calculation demand for future draw multiplied by 105%.acceptable to the zoning officer

(2.) replacement of system shall be at same or less than rated capacity of system being replaced; if it exceeds the requirements above.

A system is considered an Accessory Solar Energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR ARRAY: Any number of solar energy collectors connected together to provide a single electrical output.

SOLAR ENERGY COLLECTOR: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY PRODUCTION FACILITY: an area of land or other area used for a Solar Energy System principally used to capture solar energy and convert it to electrical energy. Solar Energy Production Facilities consist of one or more free-standing ground, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchanges, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which typically designed as the primary land use of a parcel and including multiple solar energy collectors on mounting systems, from which the energy generated is sold for use on an energy grid system rather than being consumed on site.

SECTION 2. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1020 entitled "Regulations Applying to Certain Uses and Districts", Section 1037 entitled "Solar Energy Systems, Subsection 1037.1 entitled "Requirements for All Solar Energy Systems", Letter

a. entitled "General Requirements" shall be amended to add number 13 which shall read in its entirety as follows:

1037 Solar Energy Systems

1037.1 Requirements for All Solar Energy Systems

a. General Requirements

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13. A structural analysis of the components of the solar energy systems shall be required to be provided to the Township Zoning Officer or their designee for all Solar Energy Systems.

SECTION 3. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 "Supplementary Regulations", Section 1080 entitled "Wireless Communications Facilities", Section 1080.1 entitled "Tower-Based Wireless Communications Facilities - General Requirements", Letter EE. is amended to read in its entirety as follows:

EE. Owners of any tower wireless facility shall provide and update annually or any time its changes contact information, including name, title, address, email and telephone number(s) to the Township.

SECTION 4. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Zoning Ordinance upon enactment.

SECTION 5. Repeal of Ordinances. Any ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

SECTION 6. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect nor impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or words that may have been declared illegal, unconstitutional or invalid.

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SECTION 7. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED this 12th day of June, 2024.

BOARD OF SUPERVISORS OF TULPEHOCKEN
TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

BY: *Harry A. Dech*
Chairman

Peter H. Fick
Member

Harold B. Zimmerman
Member

ATTEST: *Kathy Judy*
Secretary



CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2024-4 of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on June 12th, 2024.

WITNESS my hand and seal this 12th day of June, 2024.

Kathy Judy
Secretary, Tulpehocken Township