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**BUFFALO TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF BUFFALO TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BUFFALO TOWNSHIP ZONING ORDINANCE, TO PROVIDE DEFINITIONS RELATED TO SOLAR ENERGY SYSTEMS, ADD REGULATIONS AS TO ACCESSORY SOLAR ENERGY SYSTEMS, GROUND MOUNTED ACCESSORY SOLAR SYSTEMS, AND PRINCIPAL SOLAR ENERGY SYSTEMS AND RELATED REGULATIONS THEREOF.

WHEREAS, the Board of Supervisors of Buffalo Township, Washington County, Pennsylvania, have previously enacted the Buffalo Township Zoning Ordinance; and

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, Buffalo Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for access to and use of solar energy systems; and

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Buffalo Township, Washington County, Pennsylvania, as follows:

SECTION 1. TITLE.

This Ordinance shall be known as the “Buffalo Township Solar Energy Systems Ordinance of 2025.”

SECTION 2. DEFINITIONS

Amendment of Article XII, Section 265-75 of the Buffalo Township Zoning Ordinance entitled “Definitions”. Section 265-75 of the Buffalo Township Zoning Ordinance is hereby amended to add or amend the following definitions to the ordinance.

ACCESSORY SOLAR ENERGY SYSTEM (ASES): A small-scale solar energy system used to capture solar energy, convert it to electrical energy (capable of producing 15 kw or less) or thermal power and supply electrical or thermal power, for use on private property where the system is located to reduce the consumption of utility power or fuels. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted, solar arrays or modules, energy storage devices, or solar devices, or solar related equipment and is intended to primarily reduce on-site consumption.

APPLICANT: The individual or entity seeking permission or authorization under the provisions of this ordinance to engage in an activity in whole or in part by this ordinance. The applicant may be a person, partnership, business or corporation.

ENVIRONMENTAL STABLE: The proper placing, grading construction, reinforcing, lining and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement, as well as prevent alteration of any kind to existing watercourse wetland or natural impoundment.

GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): A large-scale solar energy system used to capture solar energy, convert it to electric energy or thermal power and supply electrical or thermal power principally of the sale of commercial energy to electrical utilities. Principal solar

energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, energy storage 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.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM: A solar photovoltaic cell, module or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

1. **SOLAR ARRAY:** A grouping of multiple solar modules with the purpose of harvesting solar energy.
2. **SOLAR CELL:** The smallest basic solar electric device which generates Electricity when exposed to light.
3. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

SOLAR PANEL: The part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SECTION 3. Amendment of Chapter 265 Article III entitled “Suburban Residential District Regulations”, Article IV entitled “Rural Agricultural District Regulations”, Article VI entitled “Highway Commercial District Regulations”, and Article VII entitled “Light Industrial District Regulations” of the Buffalo Township Zoning Ordinance. The “Permitted Uses” provisions of Article III, Article IV, Article VI, Article VII of the Buffalo Township Zoning Ordinance, Chapter 265, are hereby amended to add “Accessory Solar Energy Systems” as Permitted Accessory Uses, in all Zoning Districts.

SECTION 4. Amendment of Chapter 265 Article VI entitled “Highway Commercial District Regulations”, and Article VII entitled “Light Industrial District Regulations” of the Buffalo Township Zoning Ordinance. The “Conditional Uses” provisions of Article VI and Article VII of the Buffalo Township Zoning Ordinance, Chapter 265, are hereby amended to add “Principal Solar Energy Systems” as Conditional Uses, in the aforementioned Zoning Districts.

SECTION 5. Amendment of Article IX of the Buffalo Township Zoning Ordinance entitled “Supplementary Regulations” to add a new Section 265-59 for regulation of Accessory Solar Energy Systems. There is hereby added a new Section 265-59 with related subsections, to Article IX of the Buffalo Township Zoning Ordinance, entitled “Supplementary Regulations” to add regulations for the use of Accessory Solar Energy Systems (ASES) which shall read as follows:

265-59- Accessory Solar Energy Systems (ASES)

265-59(A) Regulations Applicable to All Accessory Solar Energy Systems.

(“ASES”)

- A. Accessory Solar Energy Systems are a Permitted Use in all Zoning Districts.
- B. Exemptions. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical

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

- C. The ASES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE) and recognized Solar Rate and Standard organizations and shall comply with the PA Uniform Construction Code, and with all applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- D. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.
- E. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- F. All ASES shall be situated such that concentrated solar radiation or glare does not project onto nearby properties, structures or roadways. Alternatively, non-glare solar components may be used.
- G. In addition to the requirements of the Buffalo Township Zoning Ordinance, zoning certificate applications shall document compliance with this Ordinance, and related subsections. Zoning certificates shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, whether

intentionally or by natural forces, in a manner which caused the ASES not to be in conformity with the Ordinance. In the case of nonconformity caused by natural or intentional forces, the owner shall have a minimum of 90 days to initiate necessary remedial action to bring the system back in conformance to the Ordinance.

- H. The ASES must be properly maintained and kept free from all hazards, including but not limited to faulty wiring and/or batteries, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of violation, the Township and/or the Zoning Officer shall give written notice specifying the violations, pursuant to Article X, Section 265-65 of the Buffalo Township Zoning Ordinance.

265-59(B)Ground Mounted Accessory Solar Energy Systems.

A. Setbacks.

1. The minimum setbacks from side and rear property lines shall be equivalent to the accessory building setbacks in the applicable zoning district.
2. A ground mounted ASES shall not be located in front yards.

B. Height. Freestanding ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the system.

C. Screening. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes in the event that there is a substantiated complaint of glare caused by the ASES. The screen shall consist of a native plant or shrub species, 6' to 8' when mature. In lieu of plant or shrub screen, a decorative fence meeting the requirements of the Buffalo Township Zoning Ordinance may be used. Vegetative buffering shall be selected

to provide year-round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, within thirty-six (36) months of the installation of the facility.

D. Coverage.

1. The post-development area beneath the ground mounted ASES may be considered equivalent to the pre-development conditions if it can be shown that such conditions will not be changed or impacted by the proposed project. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement for the applicable zoning district.
2. Consideration of coverages resulting from the ASES shall be considered in accordance with the Township's Stormwater Management Ordinance requirements, and nothing stated herein shall be considered as an exemption or variance from conformance with the Township's Stormwater management Ordinance.
3. Ground mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede the pre-existing flow of stormwater runoff within said stormwater conveyance system.
4. If a ground mounted ASES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and returned to environmentally stable condition.
5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment and structures. All electrical control devices shall be locked to prevent unauthorized access or entry.

265-59(C) Roof Mounted and Wall Mounted Accessory Solar Energy Systems.

- A. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- B. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for buildings within each of the applicable zoning districts.
- C. Wall mounted ASES shall comply with the building setbacks in the applicable zoning districts.
- D. Solar panels shall not extend beyond any portion of the roof edge.
- E. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of holding the load of the ASES.

SECTION 6. Amendment of Article IX of the Buffalo Township Zoning Ordinance entitled “Supplementary Regulations” to add a new Section 265-60 for regulation of Accessory Solar Energy Systems. There is hereby added a new Section 265-60 with related subsections, to Article IX of the Buffalo Township Zoning Ordinance, entitled “Supplementary Regulations” to add regulations for the use of Accessory Solar Energy Systems (ASES) which shall read as follows:

265-60 – Principal Solar Energy Systems (PSES).

265-60(A) Regulations Applicable to All Principal Solar Energy Systems.

- 1. Principal Solar Energy Systems are a Conditional Use in the Special Development (S-D) and Heavy Industrial (H-1).
- 2. In addition to the requirements of Article III Section 282-303 of the Buffalo Township Zoning Ordinance, zoning certificate applications shall document compliance with Article XII Section 320-1207 and related subsections. Zoning certificates shall be

revoked if the PSES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSES not to be in conformity with the Ordinance. In the case of nonconformity caused by intentional or natural forces, the owner shall have a minimum of 90 days to initiate necessary remedial action to bring the system back in conformance to the Ordinance.

3. In addition to the application requirements for Conditional Uses under Section 320-1207 of the Buffalo Township Zoning Ordinance, a project narrative including the following shall be submitted with the Conditional Use application: an overview of the project, project location, the approximate generating capacity, the number, representative types, and heights of facilities to be constructed, including their generating capacity, dimension and respective manufactures, and description of any ancillary facilities to the solar-energy systems. The project narrative shall also include the location in reference to residences, streams and other features of land. In addition to the project narrative, a map from the Natural Resources Conservation Service (NRCS) identifying prime farmland and farmland of statewide importance; documentation from the Pennsylvania Natural Diversity Inventory (PNDI) regarding the presence of any identified critical habitat for rare threatened or endangered federal or state species; a Federal Emergency Management Agency (FEMA) map delineating floodplains and which also include evidence of water quality; and a letter from the Pennsylvania Historic and Museum Commission (PHMC) regarding known archaeological or cultural resources listed or eligible for listing on the National Register shall be included.
4. Conditional Use approval is required prior to obtaining Land Development Plan approval. The Conditional Use approval and Land Development Plan approval

processes can be concurrent. All necessary Stormwater Plan approvals, E&S and NPDES permits must be approved prior to receiving final Land Development Plan approval by the Board of Supervisors of Buffalo Township. An approved Land Development Plan is required for application for a Zoning Certificate.

5. All PSES developments must comply with all applicable Federal, State and Local regulations and obtain permits required by any governmental regulatory agency with jurisdiction over any aspect of the development. Such requirements include, but shall not be limited to, Soil Erosion and Sedimentation Control Plans, and National Pollutant Discharge Elimination System (NPDES) Plans.
6. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ATSM), Institute of Electrical and Electronics Engineers (IEEE) and recognized Solar Rate and Standards organizations and shall comply with the PA Uniform Construction Code, and with all applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the Building Permit Application and Zoning Certificate Application.
7. Modifications. The Township may grant modification of the requirements of one or more provisions) of the Buffalo Township Zoning Ordinance , or related subsections, if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the property in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. All requests for a modification shall be in writing and shall state in full the

grounds and facts of undue hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary. All requests for modifications shall accompany the Conditional Use Application for consideration by the Board of Supervisors.

8. All PSES applications after the effective date of this Ordinance shall be required to meet the terms and conditions of all applicable Buffalo Township Ordinances, including but not limited to the Buffalo Township Stormwater Ordinance and the Buffalo Township Subdivision and Land Development Ordinance.
9. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routing maintenance or replacements do not require a permit.
10. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility is required.
11. The owner of a PSES shall provide the Township 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. No transmission lines connecting the PSES to the public utility company shall be placed underground in the Township road's right-of-way.
12. Liability Insurance. The owner of the PSES shall maintain a general liability policy covering bodily injury and property damage with limits of at least \$1 million per

occurrence and \$1 million in the aggregate. Certificates shall be provided to the Township on an annual basis.

13. The PSES owner and/or operator shall maintain a phone number throughout the life of the project for the officials of Buffalo Township to contact with inquiries and verified complaints. The PSES owner and/or operator shall make reasonable efforts to respond to the inquiries and complaints. A contact name, with knowledge of the system, must be provided to Buffalo Township with updates due to employee advancement or turnover.
14. PSES that include energy storage that use lithium or lithium-ion batteries shall be required to use an automatic fire suppression system designed to suppress lithium and lithium-ion fires. The design and use of the aforementioned fire suppression system shall be to reasonable satisfaction of the Township. A gravel berm shall be installed extending at least 30 feet under and around any storage structure and shall be in sufficient size to serve as a fire break.
15. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
16. No portion of a PSES shall contain or be used to display advertising.
17. Glare.
 - a) All PSES shall be situated such that concentrated solar radiation, or glare does not project onto nearby properties, structures or roadways.
 - b) The applicant has the burden of proving to the satisfaction of the Township that any glare produced does not have significant adverse impact

of neighboring or adjacent uses either through siting, configuring, or mitigating.

- i. The applicant is required to conduct a glare study to which the applicant must then provide to the Township proving that the glare emitting from the PSES will not have an adverse impact on neighboring or adjacent uses.

18. Noise from a PSES shall be in compliance with the Buffalo Township Ordinance Chapter 150, as amended.

19. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

20. In addition to the solar energy system being properly maintained and being kept free from all hazards, including, but not limited to, faulty wiring and/or batteries, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare, the PSES owner shall repair, maintain and replace the PSES related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition. In the event of a violation, the Township and/or the Zoning Officer shall give written notice specifying the violations pursuant to Article X, Section 265-65 of the Buffalo Township Zoning Ordinance.

21. Local Emergency Services and Safety.

1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid and volunteer fire department(s).

2. The applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for PSES.
3. A sign shall be posted providing the name of the operator and a phone number to be used in case of an on-site emergency at the primary entrance of the PSES. Additionally, reflective signs shall be posted providing the name of the operator and a phone to be used in case of an on-site emergency along the perimeter of the PSES at intervals of 250 feet.
4. The solar energy system must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring and/or batteries, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.
5. In addition, Buffalo Township shall be provided the emergency contact information for all contractors, subcontractors, and site-management agencies.

22. Public Road Use and Bonding.

1. The owner shall identify all local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the PSES.
2. During the construction phase of the PSES the owner shall provide the Township with a road bond in accordance with Buffalo Township Zoning Ordinance.

23. Decommissioning.

1. No construction of the PSES shall be undertaken until the facility owner

shall have provided the Township with a bond to secure the estimated expense of dismantling and removing said PSES, including the restoration of the land for agricultural or other reasonable use based on a consideration of the former use of the land, the current estimated costs for removal and disposal and an inflation factor. The amount of the bond shall be determined by the Township Engineer based on the submission of an estimate prepared by the PSES facility owner's Engineer and other applicable data.

2. An affidavit, or similar evidence, signed by the property owner and the PSES facility owner affirming a lease agreement with a decommissioning clause (or similar) and a Successors and Assigns clause. The decommissioning clause must provide for the dismantling and removal of the PSES, including all solar related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads and other associated facilities from the property. The Successors and Assigns clause must bind those successors and assigns to the lease agreement.
3. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) consecutive months and the owner has not initiated remedial actions to return the PSES to a generating site. If the PSES owner fails to dismantle and/or remove the PSES, including all off-site, adjacent or right-of-way facilities, including but not limited to powerlines and other electrical facilities which are owned by the PSES facility owner, within

eighteen (18) months of cessation or abandonment, the Township shall have the right to use the bond to complete the decommissioning of the facility in accordance with applicable law.

4. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every five (5) years to the Township. Upon approval of the estimated costs by the Township's engineer, a revised surety shall be provided to the Township in the amount of one hundred fifty percent (150%) of the new estimate. Bonds shall be provided and remain in effect for so long as the PSES remains on site and decommissioning has not been completed.

265-60(B) Ground Mounted Principal Solar Energy Systems.

- A. **Minimum Lot Size.** The PSES shall meet the lot size requirements of the applicable zoning district.
- B. **Setbacks.** PSES shall comply with the following setback requirements.
 1. The building setbacks of the applicable zoning districts, except:
 - a. Solar panels of a PSES shall not be located within 225 feet of any existing residential dwelling, or 50 feet from any adjoining parcel with an existing residential dwelling.
 - b. The PSES perimeter fence shall comply with the building setbacks of the applicable zoning district, except when abutting a public road right-of-way, shall be 75 feet from the edge of the right-of-way. Any area abutting a public road right-of-way, shall be properly maintained, and shall be mowed once between the months of April 1st and June 30th of each year.

2. If the PSES occupies two or more adjacent properties, setbacks between the adjacent properties shall be waived along the shared property boundaries so that the PSES may be installed continuously and make the most efficient use of the project area.
- C. Height. The height of ground mounted PSES solar panels at the place where mounted, shall not exceed 18 feet above ground level.
- D. Impervious Coverage.
1. The post-development area beneath the ground mounted PSES may be considered equivalent to the pre-development conditions, if it can be shown that such conditions will not be changed or impacted by the proposed project. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement for the applicable zoning district.
 2. Gravel and paved access roads servicing the PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitation.
 3. Consideration of coverages resulting from the PSES shall be considered in accordance with the Township's Stormwater Management Ordinance requirements, and nothing stated herein shall be considered as an exemption or variance from conformance with the Township's Stormwater management Ordinance.
- E. Stormwater.

1. The Applicant shall submit a stormwater management plan that demonstrates complete conformance with the Township's Stormwater Management Ordinance. As a primary design consideration all efforts shall be made to ensure that stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system. Demonstration of design efforts to promote and ensure post-development infiltration to the greatest extent possible shall be included as part of the stormwater management plan.
2. PSES owners shall use low maintenance and/or low growing native perennial vegetation on surfaces under the system as a best management practice for stormwater management and as identified by the Pennsylvania Department of Conservation and Natural Resources.
3. If upon investigation, the Township determines that the stormwater management measures approved as a part of the Stormwater Management Plan are inadequate to manage the stormwater in the manner required, the PSES owner/operator shall take prompt action to submit a plan for and to construct such remedial facilities to provide stormwater management controls to meet the requirements of applicable stormwater management regulations.

F. Screening, Vegetation and Ground Cover.

1. Road screening shall consist of an 8-foot-high opaque decorative or slat fence installed to create a continuous visual barrier, or a double staggered row of native shrubs, 6'-8' when mature, placed to create a continuous visual

barrier, and properly maintained and replaced when necessary. Fencing shall consist of a color that will blend the facility into the natural setting and existing environment. A PSES owner shall use native shrub species identified by the Pennsylvania Department of Conservation and Natural Resources. Shrubs shall be planted outside the road right-of-way. Solar perimeter fence shall be placed between shrubs and solar panels. Reasonable modifications to these requirements may be requested pursuant to Buffalo Township Zoning Ordinance, above.

2. Screening from an adjoining parcel with an existing residential dwelling shall consist of an 8-foot-high opaque decorative or slat fence installed to create a continuous visual barrier; or a double staggered row of native evergreen conifers or native broadleaf evergreens spaced in accordance with the chosen species to achieve a continuous visual barrier reaching 6' to 8' in height within 2 years of planting and properly maintained and replaced when necessary, in order to create a continuous visual barrier; or a natural wooded buffer at least 30' in width. Fencing shall consist of a color that will blend the facility into the natural setting and existing environment. A PSES owner shall use native evergreen conifers or native broadleaf evergreens identified by the Pennsylvania Department of Conservation and Natural Resources. Screening from an adjoining parcel with an existing residential dwelling may be a combination of plantings and/or structures with prior approval by the Township. Reasonable modifications to these requirements may be requested pursuant to the Buffalo Township Zoning Ordinance.

- G. Perimeter fencing shall be placed between the selected screening and solar panels.
- H. Large-scale removal of mature trees on the site is highly discouraged by the Township and the large-scale removal of mature could result in monetary penalties being brought against the party not in compliance with this ordinance. Before any large-scale removals of mature trees begins, guidance and/or approval from Township officials about whether the removal of such trees is within the best interests of the Township should be obtained prior to the start of any removal process.
- I. Ground cover shall consist of native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds and pollinators. When establishing native perennial vegetation and beneficial foraging habitat, a PSES owner shall use native plant species identified by the Pennsylvania Department of Conservation and Natural Resources. In order to ensure adequate sunlight to foster growth of ground cover, fixed, non-tracking solar arrays must be installed so that the lower drip edge of an array is no lower than 36" above grade.
- J. Use of herbicides to control ground cover growth is prohibited.
- K. Ground mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede the pre-existing flow of stormwater runoff within said stormwater conveyance system.
- L. Security.
 - 1. In accordance with the National Electric Code (NEC), all ground mounted PSES shall be completely enclosed by fencing with a locking gate. The

current NEC code requires a minimum six (6) foot high fence with barbed wire, or a 7' high fence.

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

M. Access Drives.

1. At a minimum, a 25' wide access road must be provided from a state or Township roadway into the site.
2. At a minimum, a 15' wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

N. The ground mounted PSES shall not be artificially lit except to the extent required for safety or applicable federal, state or local authority. No lighting shall directly project or impose glare beyond the subject property boundary.

O. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be returned to an environmentally stable condition.

265-60(C) Roof Mounted Principal Solar Energy Systems.

- A. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of holding the load of the PSES.

- B. PSES mounted on roofs of any building shall be subject to the maximum height regulations specified for buildings within the applicable zoning district.

SECTION 7. Administration

A. Permit applications

- 1. Permit applications for Principal Solar Energy Systems, shall document compliance with this Ordinance and shall by the following;
 - i. A narrative describing the proposed Solar Electric Energy Facility, including an overview of the project: the project location; the approximate generating capacity of the Solar Electric Energy Facility, the approximate number, representative types and height or range of heights of the panels or other Solar Electric System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.
 - ii. Drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
 - iii. An affidavit or similar evidence of agreement between the Landowner of the real property on which the Solar Energy Facility is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of

the Solar Energy Facility (“Participating Landowner Agreement”).

- iv. Identification of the properties or portions thereof on which the proposed Solar Energy Facility will be located, and the properties adjacent to where the Solar Electric Energy Facility will be located.
- v. A site plan showing the planned location of each Solar Energy Facility property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Solar Energy Facility to the substation(s), ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- vi. Documents related to decommissioning, including a schedule for decommissioning.
- vii. Documentation of the contractors who will perform the construction and ongoing maintenance, their qualifications and expertise. Local Pennsylvania based contractors shall be used, unless expertise not locally available is required and documented.
- viii. Other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by Buffalo Township to ensure compliance with this Ordinance, including but not limited to:

1. The Erosion & Sedimentation plan. Stormwater control must be maintained for the life of the development.
2. A plan for vegetative buffer zones to screen the development from the roadways and adjoining residential structures.
3. If the permit includes overhead power lines, construction or alteration, the operator must submit an Avian Protection Plan with the permit, following the guidelines for Avian Protection Plans (APP) by APLIC (Avian Power Line Interaction Committee) and USFWS (US Fish & Wildlife) and designed to ensure compliance with the Migratory Bird Act. Found at www.Aplic.org.
4. Plan to eliminate glare from roadways and surrounding residences.
5. A view shed analysis showing all the areas from which the structures of the proposed PSES could be seen as well as any views that would be obscured from any particular location.
6. For contiguous sites of 500 or more acres, a habitat/threatened endangered species study with impacts to wildlife must be filed with the permit application to the Township/
7. For contiguous sites of 500 or more acres, a plan to mitigate habitat and wildlife impacts is required that incorporates at least the following:
 - i. Allow wildlife corridors
 - ii. Maintain existing wetlands and waterways. Minimum distance between wetlands and waterways to panels or equipment is 100 feet
 - iii. Use only non-invasive native species

- iv. Emphasize pollinator support through plantings (such as Ernst Fuzz & Buzz)
 - v. No chemical fertilizer, herbicide or insecticide may be used, except the minimum herbicide required to control invasive species while growth of final ground cover becomes established.
8. A Vegetation management plan is required. Preference is given for employing local residents for mowing or agricultural activities (agrivoltaics, ex. Sheep grazing, vegetable gardening).
9. If a National Pollutant Discharge Elimination System (NPDES) permit is required for the project, or the applicant will apply to be approved for coverage under a General NPDES permit, a copy must be provided to the Township with the permit request.
- a) The permit shall be revoked if the solar energy system, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.
 - b) The solar energy system must be properly maintained and be kept free from all hazards including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.
 - c) An approved land development plan shall accompany all permit applications excluding those for ASES which are accessory to a single-family residential use.

B. Fees and Costs

1. The Applicant for a Principal Solar Energy System shall pay all permit fees and inspection fees when seeking approval of a solar energy system under this Ordinance, which fees shall be set by resolution of the Township.
2. The Applicant for a Principal Solar Energy System shall, prior to receipt of an approved permit, reimburse the Township of any actual fees or costs incurred arising out of or related to the Application (collectively the "Costs"). The Costs shall include, but not limited to, engineering, zoning officer, building code official and legal fees.
3. The Applicant for a Principal Solar Energy System shall provide the accounting documents necessary to properly assess the impact fee by January 31 of the year following the full or partial calendar year of production, for each year when there is solar energy produced from the facility, whether sold or stored or wasted.

C. Approval Process

1. Within thirty (30) days after receipt of a permit application, Buffalo Township will determine whether the application is complete and advise the applicant accordingly.
2. Within sixty (60) days of a completeness determination, Buffalo Township will schedule a public hearing. The applicant for a Principal Solar Energy System shall participate in the hearing and be afforded an opportunity to present the project to the public and Township officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comments on the proposed project.

3. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, Buffalo Township will make a decision whether to issue or deny the permit application for a Principal Solar Energy System.
4. Throughout the permit process, the applicant shall promptly notify Buffalo Township of any changes to the information contained in the permit application for a Principal Solar Energy System.
5. Changes to pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

SECTION 8. Enforcement

- A. The enforcement policies and procedures of the Buffalo Township Zoning Ordinance and Subdivision Ordinance apply.
- B. Right-of-Entry – Principal Solar Energy Systems
 1. Upon presentation of proper credentials, the Township may enter at reasonable times upon any property within the Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.
 2. Upon the receipt of a written complaint setting forth the existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof, the Township’s Zoning Officer, Code Enforcement Officer, Solicitor or other representative that may be authorized by the Township’s Board of Supervisors (the “Enforcement Officer”), shall cause written notice to be given either by personal service, registered or certified mail to the Applicant/Owner of the Property upon which the violation exists, to immediately cease and the construction, modification or the

- unauthorized use of the solar energy system. Such a written notice shall be required to enforce the remedies set forth in this section. However, the Township shall still be entitled to give verbal notice for defective systems as authorized above.
- a. This may also apply to Accessory Solar Energy Systems in the event that there is a written complaint setting forth the existence of unauthorized construction, modification, or use in violation of this Ordinance, or other notice thereof.
3. Upon failure of such Applicant/Owner to comply as directed in said notice, the Enforcement Officer, other Township official or Solicitor may appear on behalf of the Township and initiate legal proceedings to enforce the provisions of this Ordinance before a District Magistrate and/or Washington County Court of Common Pleas.
 4. Any Applicant who or which shall violate or permit to be violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding brought by Buffalo Township before a District Magistrate and/or Washington County of Common Pleas, pay a fine of not less than five hundred (\$500), plus all court costs, including reasonable attorney's fees incurred by Buffalo Township as a result thereof. No fine shall commence or be imposed, levied or be payable until the date of the determination of the violation by a District Magistrate and/or Washington County Court of Common Pleas. Each day that a violation exists and is continued shall constitute a separate offense, unless the District Magistrate and/or Washington County Court of Common Pleas who determines that a violation has occurred further shall determine that there was a good faith basis for the defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination by such District Magistrate and/or

Washington County Court of Common Pleas and thereafter every day shall constitute a separate offense.

5. In addition, the Township shall also be entitled to recover from any Applicant all the Township's costs or fees (collectively the "Costs") arising out of or related to the application or enforcement of this Ordinance. Such Costs may also include those to remedy violations of this Ordinance or to abate nuisances. The Costs shall include, but not be limited, engineer fees, geologist fees, attorney fees, zoning officer fees and staff/employee time. The Costs may be collected as a Township Claim under applicable law against the property upon which the solar energy system, or portions thereof, is located.
6. If fines and/or costs remain unpaid for thirty (30) days or more, Buffalo Township shall consider the permit to operate revoked, shall so notify the landowner or facility owner, and may take steps to shut down the use of the ASES or PSES.

SECTION 9. Construction and Severability

- A. The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations. If the provisions of this section and state law are in conflict, then state law shall prevail.
- B. It is the intention of the Township's Board of Supervisors that if any portion of the provisions of this Ordinance shall be declared unconstitutional or invalid by the judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of this Ordinance.

SECTION 10. Repealer. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 11. Ratification. Except as amended by this Ordinance, all other portions, parts and provisions of the Buffalo Township Zoning Ordinance, as heretofore enacted and amended, shall remain in force and effect.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after its enactment.

This Ordinance shall be effective five (5) days after approval.

ENACTED AND ORDAINED by the Board of Supervisors of Buffalo Township, Washington County, Pennsylvania, this 3rd day of December, 2025.

ATTEST:

**BUFFALO TOWNSHIP
BOARD OF SUPERVISORS**

Michelle L. Markley, Secretary/Treasurer

By: _____
James W. Arbore, Jr., Chairman

(SEAL)



DRAFT

By: _____
Jim Mounts, Vice Chairman

By: _____
Randy Mounts, Supervisor