

investigations, ANSI/EIA-225-G, as amended, shall be submitted to the Township Zoning Officer and/or Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

13. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
14. Inspections for all WCFs where the new Tower is more than 40 feet in height. A copy of any required inspection report shall be provided to the Township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.
15. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.
16. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist in reviewing and evaluating the application for a WCF, and once approved, in reviewing and evaluating any potential violation of the terms and conditions of this Article. The applicant for the WCF shall reimburse the Township for all costs in providing expert evaluation and consultation in connection with these activities.

#### **Section 1038.06    AESTHETICS, LANDSCAPING, AND SCREENING**

1. Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to blend the propose WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
2. Landscaping and Screening. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:
  - a) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
  - b) Ground mounted equipment shall be screened from public view using an evergreen screen, artificial screen, or fencing, as and unless otherwise directed by Bethel Township.

#### **Section 1038.07    REPLACEMENT, COLLOCATION, OR MODIFICATION**

1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with Bethel Township building permit requirements, including

requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

2. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from Bethel Township.
3. Any Substantial Change to an existing Tower-Based WCF shall require approval of Bethel Township.
4. Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Township building code official for compliance with the building code.
5. Historic Buildings. A Tower-Based WCF shall not be located on a property containing a structure that is listed or either the National or Pennsylvania Registers of Historic Places or eligible to be so listed or is included in the official historical structure list maintained by the Township. Such a historic structure shall not be used as a Wireless Support structure.

#### **Section 1038.08    PERMIT REQUIREMENTS**

1. Collocation Analysis. An application for a new Tower-Based WCF (where the new Tower is more than 40 feet in height and located outside of the Right-of-Way) shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
2. Gap in Coverage or Lack of Adequate Capacity. An application for a Tower-Based WCF (where the new Tower that is more than 40 feet in height and located outside of the Right-of-Way) shall not be approved unless the applicant demonstrates that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.
3. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
4. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

5. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic emissions.
6. Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
7. Permit Fees. Bethel Township may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF as well as any inspections required.

**Section 1038.09 DISCONTINUATION, ABANDONMENT AND REMOVAL**

1. Discontinuation. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to Bethel Township of its intent to discontinue use and the date when the use shall be discontinued.
2. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a) All unused or abandoned WCFs and accessory facilities shall be removed within (6-12) months of the cessation of operations at the Site unless a time extension is approved by the Township.
  - b) If the WCF and/or accessory facility is not removed within (6-12) months of the cessation of operations at a Site, or within any longer period approved by Bethel Township, the WCF and accessory facilities and equipment may be removed by Bethel Township and the cost of removal assessed against the owner of the WCF.
  - c) Any unused portions of WCFs, including Antennas, shall be removed within (6-12) months of the time of cessation of operations.

**1039 Home Occupations, A Home Occupation use shall be a use permitted by right in all Zoning Districts.**

- 1039.01 The Home Occupation use shall be secondary to the use of the property as a residence.
- 1039.02 No more than two non-resident persons shall be employed by the Home Occupation.
- 1039.03 No machinery or equipment used in or by the Home Occupation shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
- 1039.04 There shall be no external storage of materials or products.
- 1039.05 All deliveries to and all shipments from the residence shall be made between 7:00 am – 8:00 pm.

1039.06 Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of four (4) off-street Parking Spaces provided for the Home Occupation use. No on-street parking shall be permitted for a Home Occupation use.

1039.07 Signage shall be as set forth in Section 1029 of this Ordinance.

1039.08 The exterior of the structure or premises shall be constructed and maintained as a residential dwelling.

1039.09 No tractor-trailer, combination truck and/or trailer and/or straight-truck with a total length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Occupation.

1039.10 The area for the practice of the Home Occupation shall not exceed fifty percent (50%) of the habitable floor area.

**1040 Home Premises Business, Home Premises Business use shall be a use permitted by Special Exception in all Zoning Districts.**

1040.01 The Home Premises Business use shall be secondary to the use of the property as a residence.

1040.02 No more than five (5) non-resident persons shall be employed in the Home Premises Business.

1040.03 No machinery or equipment used in or by the Home Premises Business shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.

1040.04 There shall be no external storage of materials or products in the V and EP Districts. External storage of materials or products shall be permitted in the IC and AP Districts. The location of such materials or products shall be subject to the setback requirements of the appropriate zoning district. Under no circumstances shall discarded, unusable or other similar materials be stored outside.

*(As amended by Ordinance 2002-03)*

1040.05 All deliveries to and all shipments from the property shall be made between 7:00 a.m. and 8:00 p.m.

1040.06 Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of seven (7) off-street Parking Spaces provided for the Home Premises Business use. No on-street parking shall be permitted for a Home Premises Business use.

1040.07 Signage shall be as set forth in Section 1029 of this Ordinance.



1040.08 No tractor-trailer, combination truck and/or trailer and/or straight-truck with a length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Premises Business, except that trucks exceeding the length limitation may occasionally make deliveries to or shipments from the Home Premises Business so long as the frequency shall not under any circumstances exceed more than 3 times in any 7 day period.

1040.09 AUTOMOTIVE REPAIR HOME BUSINESS PREMISES BUSINESS

- a. Automotive Repair Home Premises Business use shall be a use permitted by Special Exception in the AP, V and C Zoning Districts.
- b. The Automotive Repair Home Premises Business use shall be secondary to the use of the property as a residence.
- c. The minimum lot size for the business must be three (3) acres.
- d. No more than two (2) non-resident persons shall be employed in the Home Premises Business.
- e. Services provided by an Automotive Repair Home Premises Business may include general automotive repair with the exception of the following: Major repairs including spray painting, body work and the complete retreading of tires.
- f. Additional requirements for the business include:
  1. No motor vehicles shall exceed 10,000 pounds in weight.
  2. All service and repair activities shall be enclosed within a building.
  3. All batteries, auto parts and tires must be stored within a building.
  4. Outdoor storage of vehicles.
    - (a) Outdoor storage of vehicles shall be limited to vehicles scheduled for service or repairs, vehicles awaiting pickup after service or repairs, and/or damaged vehicles scheduled to be removed from the site.
    - (b) No more than three (3) undamaged vehicles shall be stored outdoors. No more than one (1) damaged vehicle shall be stored outdoors. No vehicle shall be stored on site for more than one week unless additional time is needed to receive parts ordered for repairs, but in no case shall more than 4 vehicles be stored on site at any time.
    - (c) All vehicles shall be stored within a screened enclosure of fencing and landscaping and only within side and/or rear yard areas set back a minimum of 25 feet from property lines.

- g. Automobile wrecking or salvaging activity is not permitted on the premises at any time.
- h. No machinery or equipment used in or by the Home Premises Business shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
- i. Automotive Repair Home Premises Business shall be screened with solid fencing a minimum height of six (6) feet.
- j. The applicant must furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.
- k. All deliveries to and all shipments from the property shall be made between 8:00 a.m. and 7:00 p.m.
- l. Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of seven (7) off-street Parking Spaces provided for the Home Premises Business use including the spaces as required per Section 6.c. No on-street parking shall be permitted for a Home Premises Business use.
- m. Signage shall be as set forth in Section 1029 of this Ordinance.
- n. No tractor-trailer, combination truck and/or trailer and/or straight-truck with length in excess of twenty-five and a half (25.5) feet shall make deliveries to or accept shipments from the Business, except that trucks exceeding the length limitation may occasionally make deliveries to or shipments from the Business so long as the frequency shall not under any circumstances exceed more than 3 times in any 7 day period.
- o. The garage shall not consist of more than three (3) bays.
- p. Landscaped buffers shall be required where proposed automotive repair home premises businesses are located adjacent to a residential use.
  - 1. Buffers shall be in compliance with Section 5.04.C.1 of the Bethel Township Subdivision and Land Development Ordinance.

**1041**

**Bulk Water Extraction, Bulk water extraction use is permitted by special exception in the IC zoning district, subject to the following provision where applicable:**

The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

- 1041.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1041.02 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1041.03 Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1041.04 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.
- 1041.05 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.
- 1041.06 The use is appropriate for the site.
- 1041.07 The use shall not adversely affect the character of the neighborhood, or the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- 1042 Mineral Extraction, Mineral extraction shall be permitted by special exception in the IC zoning district, subject to the following provisions, where applicable:**
- The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.
- 1042.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.02 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.03 Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.04 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.

- 1042.05 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.
- 1042.06 The use is appropriate for the site.
- 1042.07 The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- 1042.08 No activity involving the removal, extraction or processing of minerals shall generate or emit air pollutants in excess of the standards established by the Commonwealth of Pennsylvania.
- 1042.09 All quarries, pits, surface mines or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its rules and regulations and/or any other applicable state law, rule or regulation.
- 1042.10 All quarries, pits surface mines or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by the landowner for his own non-commercial purposes from land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law, rule or regulation.
- 1042.11 A fence of a minimum height of six (6) feet shall be maintained so as to enclose the mining area, all machinery and all stockpiles.
- 1042.12 Gates, which shall be locked except during business hours, shall be located at all entrances.
- 1042.13 No storage of products, by-products, over-burden or cover materials shall be located closer than one hundred (100) feet from any lot line nor within one hundred (100) from any street not located within the lot.
- 1042.14 No storage of products, by-products, over-burden or cover materials shall exceed a height of fifty (50) feet above grade.
- 1042.15 No quarrying or mining activities and no buildings, structures and equipment shall be located closer than one hundred (100) feet from any lot line, nor within one hundred (100) feet of any street not located within the lot, nor closer than one hundred (100) feet from any district boundary line, provided that an office or storage building may be located no closer than fifty (50) feet to the same.
- 1042.16 Minimum lot size shall be 5 acres in the I-C district and 50 acres in the AP district.

- 1042.17 All blasting operations shall conform to the requirements the Pennsylvania Department of Mines and Mineral Industries, and with all other applicable state and federal laws, rules and regulations. Blasting shall not be permitted between 5 p.m. and 7 a.m. and shall not be permitted on Sundays.
- 1042.18 Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or other material to be deposited beyond the site boundaries.
- 1042.19 All machinery and devices used for extraction purposes shall be removed from the site upon completion of the process.
- 1042.20 Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.
- 1042.21 A planting strip of not less than ten (10) feet in width shall be placed within all side and rear yards or along fences surrounding the mining area, and shall contain evergreen plant material which is planted at a minimum height of four (4) feet and will attain and shall be maintained at a height of not less than eight (8) feet.

**1043 Multiple Principal Uses of a Property:**

- 1043.01 Within the V and AP Zoning Districts no more than two (2) principal uses may be located on a property unless a Special Exception is granted by Zoning Hearing Board.
- 1043.02 Within the EP Zoning District no more than one (1) principal use may be located upon a property unless a Special Exception granted by the Zoning Hearing Board.

**1044 Interference with Airport and Heliport Operation:**

No structure may be erected that would result in the revocation of a license to operate an airport or heliport.

**1045 DAY CARE FACILITIES:**

Day care facilities, as defined in this Ordinance, shall be permitted only in those districts where specified as permitted by right or special exception use, in compliance with the requirements of this section.

- 1045.01 Child day care facilities shall comply with the state’s regulatory standards contained in Sections 8A, 8B, and 8C of Chapter II of the Social Services Manual of the Pennsylvania Department of Public Welfare (hereafter referred to as DPW).
- 1045.02 All day care facilities shall meet the parking requirements found in Section 1026.22



1045.03 An outdoor structured play area or areas shall be provided adjacent to child day care buildings, with adequate safety, separation, and protection from adjoining uses, properties, and roadways.

1045.04 For all day care facilities located on roads other than residential streets, an on-site drop-off area shall be provided with sufficient capacity for the type of facility proposed. All drop-off areas shall provide sufficient turnaround areas so that vehicles can exit the site driving forward.

**1046 FENCE REQUIREMENTS.**

1046.01 No fence or freestanding wall shall be permitted to obstruct sight distance at a street or driveway intersection.

1046.02 Fences may not be placed in any easement area.

1046.03 Fences and freestanding walls are not required to comply with front, side and rear yard building setbacks.

**1047 SELF-STORAGE FACILITIES.**

1047.01 Landscaping shall be provided in accordance with the Bethel Township Subdivision and Land Development Ordinance.

1047.02 One (1) office building may be included on the premises for this purpose and no other, and it shall be considered accessory to the self-storage use. Accessory activity to the storage uses such as sale of storage supplies may take place in the office.

1047.03 Off-street parking spaces shall be provided on the property situated in conjunction with the office for use by employees, service or delivery personnel

or prospective tenants. Sufficient parking to allow for the maximum number of employees on any one shift plus a minimum of three (3) additional spaces must be provided. But in no case, shall fewer than five (5) total spaces be provided.

1047.04 The following uses/activities are specifically prohibited:

- A. servicing or repair of vehicles, boats or other equipment;
- B. auctions;
- C. commercial or private sales other than that listed in Section 1047.03;
- D. flea markets;
- E. yard or garage sales
- F. storage/transfer of vehicles for business purposes.

1047.05 Storage of gasoline and similar petroleum products, radioactive materials, explosives, highly flammable materials, hazardous substances, chemicals, garbage, trash, and animal carcasses or skins shall be prohibited.

1047.06 All storage shall be within closed buildings manufactured for that purpose, built on a permanent foundation of durable, fire resistant, waterproof materials. Trailers, boxcars, sea containers, prefabricated sheds or similar impermanent or movable structures shall not be used for storage.

Outdoor storage shall be allowed in conjunction with self-storage facilities only as a special exception use. The following criteria must be met in addition to the above:

- A. The area of the outdoor storage shall be limited to fifteen percent (15%) of the proposed total storage area as determined by the building foot print(s).
- B. The self-storage facility shall be enclosed and contained by a security fence which shall be:
  - a. Equipped with at least one (1) twenty-four (24) hour automated access gate;
  - b. A minimum of six (6) feet in height.
- C. The area shall be one (1) single designated area separate from the storage units such that stored vehicles shall not interfere with traffic movement through the complex.
- D. Outdoor storage is prohibited in the front, side, and rear yards.
- E. Outdoor storage should be to the rear of the storage buildings, but shall be located in the least environmentally sensitive area of the tract.
- F. Items stored outdoors shall be limited to registered noncommercial automobiles, boats, recreational vehicles, trailers and similar vehicles excluding mobile homes.
- G. No junk shall be stored.
- H. Human habitation of any stored item is strictly prohibited.

**1048 TEMPORARY STRUCTURES:**

A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction or other special circumstances of a discontinuing nature. The time period of the initial permit shall be one (1) year, which may be renewed for three (3) month time periods up to and not exceeding one (1) year. The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to the Township.

**1049 TRUCKING OWNER OPERATOR:**

- 1049.01 This use shall be secondary to the primary use of the property as a residential dwelling.
- 1049.02 The use shall be limited to residents of the property.
- 1049.03 Truck parking may not occur in the Front, Side or Rear Yard setback areas, and any trucks parked on the property must be either owned or operated by a resident of the property.
- 1049.04 An adequate turnaround area shall be provided so that trucks do not have to back out onto public streets. Truck turning movements shall be illustrated to demonstrate the adequacy of the proposed turnaround area.
- 1049.05 Access drives for the truck parking shall conform to the Bethel Township Driveway Ordinance.
- 1049.06 No more than two (2) trucks may be parked on the property at any time.
- 1049.07 No truck repairs may be conducted on the property unless they are done in a completely enclosed structure.
- 1049.08 An in-home office may be allowed as an accessory use to the Trucking Owner Operator use provided that the in-home office is solely for support of the Trucking Owner Operator use and that the in-home office meets all of the requirements of a No-Impact Home Based Business.

**1050 WINDMILLS FOR RESIDENTIAL ACCESSORY USE WIND ENERGY GENERATION:**

- 1050.01 Windmills for residential wind energy generation shall only be permitted by CONDITIONAL USE in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.
- 1050.02 Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an accessory use only for residential uses in the VC, IC, AP districts and only in accordance with this Section. Power generated by a windmill under this Section shall not exceed 10 KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
- 1050.03 Wind energy generation shall be limited to one (1) windmill per lot or tract of land, and the minimum lot size shall be one (1) acre.
- 1050.04 The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the windmill.

- 1050.05 The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 45' feet.
- 1050.06 No windmill shall be placed between the residential dwelling and the street line.
- 1050.07 Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation (i.e., no guy wires).
- 1050.08 No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source than the distance measured by its height plus twenty-five percent (25%) of its height (measured in feet).
- 1050.09 No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen feet (15').
- 1050.10 The proposed location of the windmill shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).
- 1050.11 The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.
- 1050.12 All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade, except as otherwise permitted by the Board of Supervisors.
- 1050.13 Noise emitted from the operation of the windmill shall be in accordance with Township Ordinances, including but not limited to those of Section 760.04.
- 1050.14 Windmills shall not be lighted except as otherwise required by law.
- 1050.15 There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Windmill, except those required for safety or otherwise permitted by the Township.
- 1050.16 Access to a windmill shall not be provided any lower than fifteen feet (15') at the highest point of the windmill base. Other proposed means of access and/or the limitation thereof and security therefore must be approved by the Board of Supervisors as part of the Conditional Use process.

- 1050.17 Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.
- 1050.18 A site plan shall be prepared and certified by a registered professional engineer or a professional land surveyor and submitted with and as part of any Conditional Use application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
- 1050.18.a Property boundaries and identities of neighboring property owners.
- 1050.18.b Location of all man- made structures on the property, as well as all man- made structures within two hundred feet (200') of the proposed windmill
- 1050.18.c All wires, and overhead structures, both natural and manmade.
- 1050.18.d Soil type(s) where the foundation will be constructed.
- 1050.18.e Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
- 1050.18.f All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill.
- 1050.18.g The applicant shall demonstrate that should the windmill fall, it will fall within the setback prescribed by Section 1930; otherwise the applicant shall provide sufficient setbacks in addition to those prescribed by Section 1930 to comply with the setback area demonstrated by the applicant. In no case shall the setbacks be reduced below those prescribed herein.
- 1050.18.h Information regarding the speed of operation and the braking mechanism(s). No windmills shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the windmill or any of its component parts.
- 1050.19 The Board of Supervisors may require the submission of additional information at any time prior to, during or following the Conditional Use hearing(s).
- 1050.20 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a windmill shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.



- 1051.12 All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade, except as otherwise permitted by the Board of Supervisors.
- 1051.13 Noise emitted from the operation of the windmill shall be in accordance with Township Ordinances, including but not limited to those of Section 760.04.
- 1051.14 Windmills shall not be lighted except as otherwise required by law.
- 1051.15 There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Windmill, except those required for safety or otherwise permitted by the Board of Supervisors.
- 1051.16 Access to a windmill shall not be provided any lower than fifteen feet (15') at the highest point of the windmill base. Other proposed means of access and/or the limitation thereof and security therefore must be approved by the Board of Supervisors as part of the Conditional Use process.
- 1051.17 Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading
- CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.
- 1051.18 A site plan shall be prepared and certified by a registered professional engineer or a professional land surveyor and submitted with and as part of any Conditional Use application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
- 1051.18.a Property boundaries and identities of neighboring property owners.
- 1051.18.b Location of all manmade structures on the property, as well as all manmade structures within two hundred feet (200') of the proposed windmill.
- 1051.18.c All wires, and overhead structures, both natural and manmade.
- 1051.18.d Soil type(s) where the foundation will be constructed.
- 1051.18.e Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
- 1051.18.f All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill.
- 1051.18.g The applicant shall demonstrate that should the windmill fall, it will fall within the setback prescribed herein.

- 1051.18.h Information regarding the speed of operation and the braking mechanism(s). No windmills shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the windmill or any of its component parts.
- 1051.19 The Board of Supervisors may require the submission of additional information at any time prior to, during or following the Conditional Use hearing(s).
- 1051.20 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a windmill shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- 1051.21 Removal of windmills.
- 1051.21.a Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- 1051.21.b All structures enclosures accessory to the windmill shall also be completely removed from the property to a place of safe and legal disposal.
- 1051.21.c The former windmill site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.
- 1051.22 Certifications and Inspections.
- 1051.22.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
- 1051.22.b Annual Inspection Report. Whenever a windmill is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the windmill ready for operation. The inspection report shall certify the structure soundness and proper operation of the windmill. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.

- 1050.21 Removal of windmills.
- 1050.21.a Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- 1050.21.b All structures enclosures accessory to the windmill shall also be completely removed from the property to a place of safe and legal disposal.
- 1050.21.c The former windmill site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.
- 1050.22 Certifications and Inspections.
- 1050.22.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania, and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
- 1050.22.b Annual Inspection Report. Whenever a windmill is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the windmill ready for operation. The inspection report shall certify the structure's soundness and proper operation of the windmill. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.
- 1050.23 No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.
- 1051 WINDMILLS FOR ACCESSORY USE NON-RESIDENTIAL WIND ENERGY GENERATION:**
- 1051.01 Windmills for non-residential wind energy generation shall only be permitted by Conditional Use approval of the Board of Supervisors in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.
- 1051.02 Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an

accessory use only in the IC and AP zoning districts for non-residential uses and only in accordance with this Section (windmills accessory to non-residential uses shall be permitted in the VC zoning district but shall be subject to the requirements of Section 1050 of the Zoning Ordinance). Power generated by a windmill under this Section shall not exceed 20KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

- 1051.03 Wind energy generation shall be limited to one (1) windmill per lot or tract of land, unless the applicant shall demonstrate that the energy provided by a single windmill is insufficient to provide energy for the tract or property. In no event shall any property contain more than three (3) windmills. The minimum lot size shall be one (1) acre.
- 1051.04 The applicant shall demonstrate that the proposed site has sufficient wind for the continued proper operation of the windmill.
- 1051.05 The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 55' feet.
- 1051.06 No windmill shall be placed between the non-residential structure and the street line.
- 1051.07 Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation (i.e., no guy wires).
- 1051.08 No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source than the distance measured by its height plus twenty-five percent (25%) of its height (measured in feet).
- 1051.09 No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen feet (15').
- 1051.10 The proposed location of the windmill shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).
- 1051.11 The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing, trees, structures, wires and the like.

1051.23 No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.

**1052 WIND ENERGY FACILITIES - WINDMILLS FOR PRINCIPAL USE WIND ENERGY GENERATION:**

1052.01 Wind Energy Facilities, which are windmills and associated facilities used for principal use wind energy generation, shall only be permitted by Conditional Use approval of the Board of Supervisors in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.

1052.02 Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered wind energy facilities and as such principal use structures and the generation of energy as a principal use unless all provisions for accessory use wind generation as stated in either Section 1050 or Section 1051 are met in their entirety. Wind energy facilities shall be permitted only in the IC and only in accordance with this Section.

1052.03 The minimum lot size for Wind Energy Facilities shall be twenty (20) acres.

1052.04 Wind Energy Facilities shall be considered a Land Development and subject to the requirements of the Bethel Township Subdivision and Land Development Ordinance.

1052.05 DEFINITIONS

1052.05.a Facility Owner - the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

1052.05.b Operator - the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

1052.05.c Hub Height - the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

1052.05.d Occupied Building - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

1052.05.e Turbine Height - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

1052.05.f Wind Turbine - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.



- 1052.05.g Wind Energy Facility - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- All windmills and related facilities shall be considered Wind Energy Facilities unless they meet all of the requirements to be considered accessory use facilities as outlined in either Section 1050 or Section 1051.
- 1052.05.h Non-Participating Landowner - any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.
- 1052.06 Design and Installation of Wind Energy Facilities
- 1052.06.a Uniform Construction Code - To the extent applicable, the Wind Energy Facility 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.
- 1052.06.b Design Safety Certification - The design of the Wind Energy Facility 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 manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- 1052.06.c Controls and Brakes - All Wind Energy Facilities 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.
- 1052.06.d Electrical Components - All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- 1052.06.e Visual Appearance; Power Lines –
- 1052.06.e.1 Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
- 1052.06.e.2 Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 1052.06.e.3 Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
- 1052.06.e.4 On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

- 1052.06.f Warnings
- 1052.06.f.1 A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- 1052.06.f.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 ten feet from the ground.
- 1052.06.g Climb Prevention/Locks
- 1052.06.g.1 Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
- 1052.06.g.2 All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- 1052.07 SETBACKS
- 1052.07.a Occupied Buildings
- 1052.07.a.1 Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
- 1052.07.a.2 Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
- 1052.07.b Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- 1052.07.c Public roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- 1052.08 Submission Requirements: In addition to the other requirements of this ordinance and other applicable ordinances including but not limited to the Bethel Township Subdivision and land development Ordinance, the following shall be submitted with each application:
- 1052.08.a A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height

or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- 1052.08.b An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
- 1052.08.c Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
- 1052.08.d A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
- 1052.08.e Documents related to decommissioning, including a schedule for the decommissioning and financing security.
- 1052.08.f Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Board of Supervisors to ensure compliance with this ordinance.
- 1052.09 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a Wind Energy Facility shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- 1052.10 Certifications and Inspections.
  - 1052.10.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
  - 1052.10.b Annual Inspection Report. Whenever a windmill is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer

licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the windmill ready for operation. The inspection report shall certify the structure soundness and proper operation of the windmill. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.

- 1052.11 No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.
- 1052.12 USE OF PUBLIC ROADS
- 1052.12.a The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
- 1052.12.b The Township Engineer or a qualified third party engineer hired by the Township and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- 1052.12.c The Township may bond the road in compliance with state regulations.
- 1052.12.d Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.
- 1052.12.e The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- 1052.13 LOCAL EMERGENCY SERVICES
- 1052.13.a The Applicant shall provide a copy of the project summary and site plan to the Emergency Services Coordinator and area fire companies.
- 1052.13.b Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
- 1052.14 NOISE AND SHADOW FLICKER
- 1052.14.a Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility 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 Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

- 1052.14.b The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.
- 1052.15 SIGNAL INTERFERENCE
- 1052.15.a The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
- 1052.16 LIABILITY INSURANCE
- 1052.16.a There shall be maintained a current 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 made available to the Township upon request.
- 1052.17 DECOMMISSIONING
- 1052.17.a The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- 1052.17.b Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- 1052.17.c Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- 1052.17.d 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). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- 1052.17.e The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth 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 and is approved by the Township.

1052.17.f Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

1052.17.g If the Facility Owner or Operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six (6) months to complete decommissioning.

1052.17.h If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 17(A) and 17(G), then the Township may take such measures as necessary to complete decommissioning. The entry into 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.

1052.17.i 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 municipality in order to implement the decommissioning plan.

#### 1052.18 PUBLIC INQUIRIES AND COMPLAINTS

1052.18.a The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

1052.18.b The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

#### 1053 SOLAR PANELS FOR RESIDENTIAL ACCESSORY USE SOLAR PHOTOVOLTAIC (PV) ENERGY GENERATION:

1053.01 Solar panels for residential PV energy generation shall be permitted by Right in accordance with this Section. It shall be the applicant's burden to demonstrate satisfaction of all requirements.

1053.02 Except as otherwise provided in the Township Zoning Ordinance, solar panels shall be considered accessory structures and the generation of energy as an accessory use only for residential uses in all zoning districts and only in accordance with this Section. Power generated by a solar PV system under this Section shall not exceed 10 KW. There shall be no commercial use of the system for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

1053.03 The placement of solar panels shall comply with all setback and height requirements of the applicable zoning district.

1053.04 All utilities, lines, cables, wires and other connections to or from the solar panels and any other structure associated with the system shall be at or below grade.

1053.05 Certifications and Inspections. The applicant shall show that all applicable manufacturer, Township (including PA Uniform Construction Code as adopted by the Township), Commonwealth of Pennsylvania, and any other applicable standards for the construction, operation and maintenance of the proposed system have been met. Systems shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

**1054 SOLAR PANELS FOR NON-RESIDENTIAL ACCESSORY USE SOLAR PHOTOVOLTAIC (PV) ENERGY GENERATION:**

1054.01 Solar panels for residential PV energy generation shall be permitted by Right in accordance with this Section. It shall be the applicant's burden to demonstrate satisfaction of all requirements.

1054.02 Except as otherwise provided in the Township Zoning Ordinance, solar panels shall be considered accessory structures and the generation of energy as an accessory use only for residential uses in all zoning districts and only in accordance with this Section. Power generated by a solar PV system under this Section shall not exceed 20 KW. There shall be no commercial use of the system for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

1054.03 The placement of solar panels shall comply with all setback and height requirements of the applicable zoning district.

1054.04 All utilities, lines, cables, wires and other connections to or from the solar panels and any other structure associated with the system shall be at or below grade.

1054.05 Certifications and Inspections. The applicant shall show that all applicable manufacturer, Township (including PA Uniform Construction Code as adopted by the Township), Commonwealth of Pennsylvania, and any other applicable standards for the construction, operation and maintenance of the proposed system have been met. Systems shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

**1055 SOLAR PANELS FOR PRINCIPAL USE SOLAR PHOTOVOLTAIC (PV) ENERGY GENERATION:**

- 1055.01 Solar Energy Facilities, which are facilities used for principal use solar energy generation, shall only be permitted by Conditional Use approval of the Board of Supervisors in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.
- 1055.02 Except as otherwise provided in the Township Zoning Ordinance, Solar Energy Facilities shall be considered principal use structures and the generation of energy as a principal use unless all provisions for accessory use solar energy generation as stated in either Section 1053 or Section 1054 are met in their entirety. Solar energy facilities shall be permitted only in the IC district and only in accordance with this Section.
- 1055.03 The minimum lot size for Solar Energy Facilities shall be twenty (20) acres.
- 1055.04 Solar Energy Facilities shall be considered a Land Development and subject to the requirements of the Bethel Township Subdivision and Land Development Ordinance.
- 1055.05 DEFINITIONS
- 1055.05.a Applicant - the person or entity filing an application under this Ordinance.
- 1055.05.b Facility Owner - the entity or entities having an equity interest in the Solar Energy Facility, including their respective successors and assigns.
- 1055.05.c Operator - the entity responsible for the day-to-day operation and maintenance of the Solar Energy Facility.
- 1055.05.d Occupied Building - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
- 1055.05.e Solar Energy Facility - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more solar collector panels or other devices and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- 1055.05.f Non-Participating Landowner - any landowner except those on whose property all or a portion of a Solar Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.
- 1055.06 Design and Installation of Solar Energy Facilities
- 1055.06.a Uniform Construction Code - To the extent applicable, the Solar Energy Facility 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.

- 1055.06.b Design Safety Certification - The design of the Solar Energy Facility 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 manufacturers from Underwriters Laboratories or other similar certifying organizations.
- 1055.06.c Electrical Components - All electrical components of the Solar Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- 1055.07 SETBACKS
- 1055.07.a All components of a Solar Energy Facility shall meet the setback requirements of the zoning district in which it will be located.
- 1055.08 Submission Requirements: In addition to the other requirements of this ordinance and other applicable ordinances including but not limited to the Bethel Township Subdivision and Land Development Ordinance, the following shall be submitted with each application:
- 1055.08.a A narrative describing the proposed Solar Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Solar Energy Facility; the approximate number, representative types and height/extent or range of heights/extent of Solar Panels to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- 1055.08.b An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Solar Energy Facility.
- 1055.08.c Identification of the properties on which the proposed Solar Energy Facility will be located, and the properties adjacent to where the Solar Energy Facility will be located.
- 1055.08.d A site plan showing the planned location of each Solar panel, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Solar Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- 1055.08.e Documents related to decommissioning, including a schedule for the decommissioning and financing security.
- 1055.08.f Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Board of Supervisors to ensure compliance with this ordinance.

- 1055.09 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a Solar Energy Facility shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- 1055.10 Certifications and Inspections.
- 1055.10.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed Solar Energy Facility have been met, including without limitation, back feed prevention and lightning grounding. Solar Energy Facilities shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a Solar Energy Facility shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such facility is in compliance with such standards.
- 1055.10.b Annual Inspection Report. Whenever a Solar Energy Facility is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the facility ready for operation. The inspection report shall certify the structure soundness and proper operation of the facility. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.
- 1055.10.c No Solar Energy Facility shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the facility has been constructed and installed in accordance with the approved plans and specifications.
- 1055.11 USE OF PUBLIC ROADS
- 1055.11.a The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Solar Energy Facility.
- 1055.11.b The Township Engineer or a qualified third party engineer hired by the Township and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- 1055.11.c The Township may bond the road in compliance with state regulations.



- 1055.11.d Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.
- 1055.11.e The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- 1055.12 LOCAL EMERGENCY SERVICES
- 1055.12.a The Applicant shall provide a copy of the project summary and site plan to the Emergency Services Coordinator and area fire companies.
- 1055.12.b Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Solar Energy Facility.
- 1055.13 LIABILITY INSURANCE
- 1055.13.a There shall be maintained a current 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 made available to the Township upon request.
- 1055.14 DECOMMISSIONING
- 1055.14.a The Facility Owner and Operator shall, at its expense, complete decommissioning of the Solar Energy Facility, or individual solar panels, within (12) twelve months after the end of the useful life of the Facility or individual solar panels. The Solar Energy Facility or individual solar panels will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- 1055.14.b Decommissioning shall include removal of solar panels, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- 1055.14.c Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- 1055.14.d 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). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- 1055.14.e The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth 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 and is approved by the Township.

- 1055.14.f Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- 1055.14.g If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 17(A), then the landowner shall have six (6) months to complete decommissioning.
- 1055.14.h If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed herein, then the Township may take such measures as necessary to complete decommissioning. The entry into 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.
- 1055.14.i 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 municipality in order to implement the decommissioning plan.

1055.15 PUBLIC INQUIRIES AND COMPLAINTS

- 1055.15.a The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- 1055.15.b The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

**1056 OUTDOOR WOOD-FIRED BOILER:**

- 1056.01 Subject to the provisions contained in this Ordinance, Outdoor Wood-Fired Boiler shall be permitted as an accessory use by Right in all zoning districts with the exception of the Village District. Outdoor Wood-Fired Boilers shall not be permitted by Right, Special Exception or Conditional Use in the Village Zoning District.
- 1056.02 Only Phase 2 Outdoor Wood-Fired Boilers shall be permitted.
- 1056.03 Outdoor Wood-Fired Boilers shall be set back a minimum of 200 feet from any property line.
- 1056.04 The minimum lot size shall be four (4) acres.

- 1056.05 The minimum stack height shall be 20 feet, or at least 2 feet above the highest peak of any residence located within 250 feet of an Outdoor Wood-Fired Boiler.
- 1056.06 The only fuel that may be utilized in Outdoor Wood-Fired Boilers is clean wood, wood pellets made from clean wood, home heating oil, natural gas, propane or that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired Outdoor Wood-Fired Boilers.
- 1056.07 Fuels that are prohibited from being utilized and any new or existing Outdoor Wood-Fired Boilers include any material not listed in Section 1056.06, treated or painted wood, furniture, garbage, tires, lawn clippings or yard waste, 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.
- 1056.08 No person shall use or operate a new or existing Outdoor Wood-Fired Boiler between the dates of May 1 and September 30 unless the Outdoor Wood-Fired Boiler is located at least 500 feet from any occupied buildings on adjacent properties and the Outdoor Wood-Fired Boiler is located on a property of at least 20 acres.
- 1056.09 The use and operation of Outdoor Wood-Fired Boilers shall be in full compliance with all applicable federal and state and local rules and regulations, including but not limited to those of the EPA and the Pennsylvania Department of Environmental Protection.

**1057 Forestry Requirements and Procedures:**

- 1057.01 – Scope. A zoning permit shall be required for all forestry/timber harvesting activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of home maintenance and upkeep, and the following activities are also specifically exempted:
  - (1) Removal of diseased or dead trees.
  - (2) Tree Farms
  - (3) Removal of non-native invasive plants.
  - (4) Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
  - (5) Removal of timber where the value of the trees, logs, or other timber products removed does not exceed \$1,500.
  - (6) When a building Zoning permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use not exceeding the standards set forth in the Bethel Township Zoning Ordinance §840.
- 1057.02 - Forestry Management Plan. No timber, harvesting or removal shall occur unless and until a forestry management plan shall be prepared in advance. The Forestry Management Plan shall be submitted to the Zoning Officer as part of the Zoning Permit Application. A copy of the Plan shall also be

available at all times at the harvest site during forestry operations and full compliance with the Plan shall be the joint responsibility of the landowner and forester, and/or contractor.

1057.03 – Contents of Forestry Management Plan.

A. Minimum Requirements. As a minimum, the logging plan or Forestry Management Plan shall include the following:

1. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings consistent with best management practices established by the State Department of Environmental Protection.

2. Design, construction and maintenance of water and erosion control measures and structures consistent with the best management practices established by the state Department of Environmental Protection.

3. Design, construction and maintenance of stream and wetland crossings, along with applicable regulatory agency approvals.

4. The general location of the proposed operation in relation to municipal and State highways, including any accesses to those highways.

5. Copies of all required permits shall be submitted as an appendix to the plan.

6. Copy of the Erosion and Sediment Control plan and of the "letter of adequacy" if one has been required by the Berks County Conservation District.

7. The criteria for selection of trees to be removed will be clearly stated along with the method used to regenerate and sustain the forest resource.

B. Map. Each forestry management plan shall include a site map containing the following information:

1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.

2. Topographic features of the harvest site.

3. Location of all earth disturbance activities such as roads, landings and water control measures and structures.

4. Location of all crossings of water within the plan area.

5. The general location of the proposed operation to municipal and State highways, including any access to those highways.

C. Compliance with State Law. The forestry management plan shall address and

comply with the requirements of all applicable State laws and regulations including, but not limited to, the following:

1. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §691.1, et seq.).

2. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1, et seq.).

#### 1057.04 – Notification of Commencement/Completion.

For all forestry and timber harvesting operations, the landowner or operator shall notify the Township Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation.

#### 1057.05 – Compliance with Federal Law.

The forestry management plan shall address and comply with the requirements of all applicable Federal laws and regulations including, but not limited to, the best management practices (BMPs) as set forth at 33 CFR 323.4[a][6][i-xv].

#### 1057.06 – General Operational Requirements.

The following requirements shall apply to all forestry/timber harvesting operations in the Township:

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

b. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

c. All tops and slash between twenty-five (25) feet and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

e. All trash and litter resulting from a timber harvesting or forestry operation shall be removed from the site before it is vacated by the operator.

f. Any soil, stones and/or debris carried onto public roadways must be removed



immediately.

g. On slopes of greater than 25%, uneven-age management shall be practiced where the residual stand must contain 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height.

h. When the harvest is completed, any and all dirt roads, skid roads, skid trails, log landing areas, and/or log loading areas must be regraded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.

#### 1057.07 – Bond.

In the discretion of the Township Supervisors and in accordance with 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of excess damage to township roads

#### 1057.08 – Enforcement.

a. Inspections. The Township Zoning Officer, Township Police, or Code Inspections Officer may go upon the site of any timber harvesting operation before, during or after active logging to:

1. Review the logging plan or any other required documents for compliance with this Part
2. Inspect the operation for compliance with the logging plan and other onsite requirements of this Part.

b. Violation Notices; Suspensions. Upon finding that a forestry or timber harvesting operation is in violation of any provisions of this Part, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. Suspension orders shall be in writing, shall be issued to the operator and the landowner and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Part, or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an official or employee of the Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The Township may order the immediate suspension of any operation upon finding that:

1. The operation is causing an environmental risk;
2. The operation is proceeding without a logging plan; and
3. Corrective action has not been taken by the date specified in a notice of violation.

#### 1057.09 – Penalties.

Any landowner or operator who violates any provision of this Part, or who fails to comply with a notice of violation or suspension order issued under the above section shall be subject to a fine of no less than one hundred dollars (\$100.00), nor more than three hundred dollars

(\$300.00), plus costs and attorney's fees, in accordance with Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Part shall constitute a separate offense.

#### 1057.10 – Specific Definitions.

- a. **BASAL AREA**--The cross section area of the stem or stems of a tree or of all trees in a stand, generally expressed as square units per unit area. Tree basal is used to determine percent stocking.
- b. **DBH (DIAMETER-BREAST-HEIGHT)** -- Four and one-half feet above grade.
- c. **FELLING** -- The act of cutting a standing tree so that it falls to the ground.
- d. **FORESTRY MANAGEMENT PLAN** -- A written description with a map of a specific commercial forestry operation prepared before the operation commences which meets the requirements of this chapter and the provisions herein.
- e. **HAUL ROAD** -- A road used to move forest products from the log landing to a public roadway.
- f. **LANDING** -- A place where logs are assembled for transportation in loads.
- g. **LOPPING** -- To cut tops and slash into small pieces to allow material to settle close to the ground.
- h. **OPERATOR** -- The individual, partnership, company, firm, association, or corporation engaged in forestry or timber harvesting, including his agents, or subcontractors, or employees.
- i. **OWNER** -- An individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as operators, who set up and administer timber harvesting.
- j. **PERMIT** -- Written permission, warrant, or license granted by a governmental authority.
- k. **SKID ROAD** -- Main route for skidding logs from woods to the landing.
- l. **SKID TRAIL** -- A temporary trail used for skidding logs from the site of felling to the skid road.
- m. **SKIDDING** -- Dragging trees on the ground, by any means, from the stump to the landing.
- n. **SLASH** -- Debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees or brush.
- o. **STAND** -- A grouping of trees of sufficiently uniform species composition, age, and condition to be distinguished from surrounding stands and managed as a single unit.
- p. **TIMBER HARVESTING or LOGGING** -- The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Clear-cutting or selective cutting of forest lands as part of a land use change are excluded from this definition.
- q. **TOPS** -- The upper portion of a felled tree not merchantable because of small size, taper, or defect.

r. TREE FARM -- Any commercial establishment which is licensed by the state or federal government for the planting, growing and sale of live trees, shrubs, plants and plant materials for gardening and landscaping purposes. The term includes a farm where evergreen trees are grown for use as Christmas trees; the trees may be felled, or dug up and sold as living Christmas trees for eventual transplantation outdoors.

s. UNEVEN-AGED MANAGEMENT--Uneven-aged management entails maintaining trees of different age classes in the same area.

**1058 Public Emergency Services Telecommunication Facility. The following criteria shall be met for such facilities:**

1058.01 A Landscape Screen, as defined herein, and a safety fence of at least six (6) feet in height with locking gates(s), shall be provided around the entire perimeter of the portion of the property on which the facility is located. Every effort shall be made to blend the facility aesthetics into the surrounding area.

1058.02 All towers shall be set back a minimum distance equal to its height from any property line, unless the applicant provides a certification from a Professional Engineer that the tower has been designed to meet the most current national standards for tower design such as TIA 222 or the then equivalent standards. Such certification shall include a standard, recognized source for the determination of such wind forces, and shall include a stipulation that an inspection shall be performed after construction and before operation to determine that the tower was constructed according to the plans and these standards, and that the results of that inspection shall be forwarded to the Township Zoning Officer for inclusion with the application file.

In no case, however, shall a Public Emergency Services Telecommunication Facility Antenna Support Structure be located closer to any residential dwellings or other structures or buildings intended for human habitation than the total height of the Public Emergency Services Telecommunication Facility Antenna Support Structure. The height and distance shall be measured from the center point of the base of the Public Emergency Services Telecommunication Facility Antenna Support Structure. Buildings intended for human habitation shall include, but not be limited to, commercial, retail, educational, institutional, and other similar use buildings, but shall not include accessory buildings such as storage sheds.

1058.03 All applicants shall be required to contact the owners of all existing towers within the Zoning District to request permission to co-locate on an existing tower. A copy of such notification, as well as all responses, shall accompany the application.

1058.04 The maximum height of such towers shall be restricted to the lowest elevation necessary for proper functioning of the tower to provide public county-wide emergency services communications to the emergency responders that serve Bethel Township, Berks County, Pennsylvania and other Berks County municipalities. Documentation from the applicant shall be provided certifying

that the proposed height is set at the lowest elevation necessary for proper functioning of the tower.

1058.05 Applications shall include certification(s) indicating compliance with all Federal Aviation Administration requirements.

1058.06 Lighting at the facility shall be the minimum that is absolutely necessary for proper operation and safety of the facility and shall be directed or shielded such that it does not shine on adjacent properties or roadways.

1058.07 Access to the facility shall comply with the provisions of the Township Driveway Ordinance and State Highway Occupancy Permit requirements, as applicable.

1058.08 Applicants seeking to construct new Public Emergency Services Telecommunications Facilities within the Township must submit a land development plan to the Bethel Township Planning Commission, pursuant to the provisions of the Bethel Township Subdivision and Land Development Ordinance of 1999, as amended, and obtain approval of said plan from the Planning Commission and Supervisors. Notwithstanding anything to the contrary, the Board of Supervisors shall have the power to waive formal land development plan approval under the Township Subdivision and Land Development Ordinance if the applicant demonstrates to the satisfaction of the

Board of Supervisors and the Township Engineer that all of the requirements of the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other applicable ordinances and regulations will be met.

1058.09 The lot coverage shall not exceed 10% not including any Storm Water Management facilities. Areas of the property occupied by impervious areas as of the effective date of this ordinance amendment may be excluded from the calculation of lot coverage.

1058.10 The public entity erecting the public county-wide emergency services telecommunication facility and tower may permit collocating and use by commercial and other users subject to the following conditions:

1058.10.a The principal use of the facility and structure shall always remain public county-wide emergency services telecommunications providing communications services to the emergency responders that serve Bethel Township, Berks County, Pennsylvania and other Berks County municipalities.

1058.10.b The height of the tower shall be limited to the height stated in 1058.04, and shall not be increased to accommodate non-emergency services communications antenna or associated equipment.

1058.10.c The facility and structure shall be, and remain in, compliance

with all other provisions of Section 1058.

- 1058.11 If at any time in the future public county-wide emergency services telecommunications ceases to be the principal use of the facility for a period of one year or more, all use of the facility shall cease, and the tower, structure, and all associated facilities shall be removed from the property to a place of safe and legal disposal and the site shall be restored to as natural condition as possible not later than 18 months from the date that public county-wide emergency services telecommunications ceased to be the principal use of the facility.

**1059 – Uses Requiring Governmental Licenses or Other Approvals:**

- 1059.01 All uses for which the owners or operators of such use are required to have a license or other approval from a Federal, State or other government unit or agency, including but not limited to medical facilities, day care facilities, nursing and retirement facilities, financial institutions, etc., evidence of current license or approval shall be provided to the Zoning Officer prior to issuance of a Zoning Permit. Such licensing or approvals shall be maintained throughout the duration of the use.

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**SECTION 1100 ZONING HEARING BOARD**

**1110 CREATION, APPOINTMENT AND ORGANIZATION**

- 1110.01 CREATION OF BOARD. The Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and as herein provided.
- 1110.02 ORGANIZATION. The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.
- 1110.03 MEETINGS. Meetings and hearings of the Board shall be held at the call of the chairman and at such times as the Board, by majority vote, may determine.
- 1110.04 MINUTES AND RECORDS. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent



or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Secretary of the Board of Supervisors.

## **1120 JURISDICTION OF THE ZONING HEARING BOARD.**

The Zoning Hearing Board shall have jurisdiction to hear and decide to following matters:

- 1120.01 Substantive challenges to the validity of this Ordinance.
- 1120.02 Challenges to the validity of this Ordinance raising procedural question or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance.
- 1120.03 Appeals from a determination of the Zoning Officer, including, but not limited to, the granting or denial of a zoning permit, the failure to act upon an application for a zoning permit, the issuance of a cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
- 1120.04 Appeals from a determination by the municipal engineer or zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- 1120.05 Applications for variance from the terms of this Ordinance. Applications for variance shall be decided under the standards set forth in section 1121 of this Ordinance.
- 1120.06 Applications for special exception use when provided by this Ordinance. Applications for special exception use shall be decided under the standards set forth in section 1122 of this Ordinance.
- 1120.07 Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- 1120.08 Appeals from the zoning officer's preliminary opinion obtained pursuant to the provisions of section 916.2 of the Municipalities Planning Code.
- 1120.09 Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as those opinions related to development not covered by the Bethel Township Subdivision and Land Development Ordinance of 1999, as amended.

## **1121 VARIANCES.**

The Board shall hear applications for variances where it is alleged that the provisions of this Ordinance will inflict unnecessary hardship upon the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance, as amended, and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- 1121.01 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
- 1121.02 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1121.03 That such unnecessary hardship has not been created by the appellant.
- 1121.04 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1121.05 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**1122 SPECIAL EXCEPTIONS.**

The Board shall issue, upon application, only such Special Exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The granting of a Special Exception, when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria:

- 1122.01 Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.
- 1122.02 Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.

- 1122.03 Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- 1122.04 Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- 1122.05 Adequate provisions shall be made for the disposal and collection of stormwater runoff.
- 1122.06 Lighting shall not shine directly upon abutting streets or properties. No unshielded lights shall be permitted.
- 1122.07 Vehicular entrances and exits shall not be located within seventy-five (75) feet of the intersection of street lines at a street intersection.
- 1122.08 Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which was adopted by the Township Supervisors.
- 1122.09 Services and utilities are available to adequately service the proposed use.
- 1122.10 The layout of the Parking Spaces, truck loading berths, and interior driveways shall be convenient and conducive to safe operation.
- 1122.11 In addition to the foregoing, when the Board considers an application for a special exception for an Intensive Agriculture use in the AP or IC zoning districts, or any other use requiring a special exception within the Agricultural Preservation District, the following specific factors should be considered, when applicable:
- (a) The ability of the applicant to meet the standards generally accepted in Pennsylvania for such Intensive use activities.
  - (b) The ability of the applicant to reduce or abate odors and the continuing ability of the applicant to reduce or abate odors. The Zoning Hearing Board shall not consider the requirement that odors not be noticeable at the property line, unless the standards for such activity would allow for the complete abatement of odors.
  - (c) The amount of traffic that may be caused by the proposed activity and the condition of public roadways serving such activity. The applicant shall show that the proposed activity will not overburden township or state roadways nor will it cause nuisance to other neighboring agricultural activities or residences.

**1130        RESERVED**

**1140        HEARINGS**

The Zoning Hearing Board shall conduct hearings on matters within its

jurisdiction and make decisions in accordance with the following criteria:

- 1140.01 Public Notice, as defined in this Ordinance, of the hearing shall be provided.
- 1140.02 Written notice of the hearing shall be given to the applicant, the Zoning Officer, the Township, all adjoining property owners and anyone who may have requested such notice.
- 1140.03 Written notice of the hearing shall be conspicuously posted at the Township Building, at the location where the hearing will be conducted, and at the subject property at least seven (7) days prior to the scheduled hearing date.
- 1140.04 The first hearing on a matter within the jurisdiction of the Zoning Hearing Board shall be conducted within sixty (60) days of the date the completed application is accepted by the Zoning Officer, unless the applicant agrees in writing to an extension of such time.
- 1140.05 The parties to the hearing shall be the applicant, the Township and any person affected the application, provided such person has timely entered his appearance of record and in writing before the Board.
- 1140.06 The chairman or acting chairman shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and things.
- 1140.07 Parties to the hearing shall have the right to be represented by counsel and shall have an opportunity to present evidence, cross-examine witnesses and make legal argument.
- 1140.08 The formal rules of evidence shall not apply, but the Board, at its discretion, may limit or bar irrelevant, immaterial or repetitious evidence.
- 1140.09 The Board shall keep a stenographic record of the hearing.
- 1140.10 The members of the Board shall not communicate, directly or indirectly, with any person other than the Board's solicitor, about a matter before the Board while such matter is pending unless all parties to the matter are present and have an opportunity to participate.
- 1140.11 The members of the Board shall not accept any *ex parte* communication, whether in oral or written form, from any party or person regarding a matter pending before the Board.
- 1140.12 The Board shall render a written decision, which shall include findings of fact, discussion and conclusions of law, in each matter within forty-five (45) days of the date of the final hearing on the matter.
- 1140.13 The Board shall cause a copy of its written decision to be delivered to the applicant, to the Zoning Officer, to the Township, and to all persons who became parties to the case through the entry of a written appearance.

**1150 STAY OF PROCEEDINGS**

- 1150.01 While a matter is pending before the Board, all development shall be stayed, except as provided in section 1150.02.
- 1150.02 When the matter pending before the Board seeks to reverse or limit an approval previously given by the Zoning Officer or other Township agency, the land owner may petition to the Court of Common Pleas of Berks County to require the persons in opposition to the use post a bond as a condition of continuing the proceedings before the Board.

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**SECTION 1200 CONDITIONAL USES**

Conditional uses shall be heard and determined by the Board of Supervisors in accordance with the following provisions:

- 1200.01 Applicant shall complete and file Five (5) copies of an application for permission to conduct a conditional use on forms promulgated from time to time by the Township. The application and copies thereof shall be submitted to the Township Board of Supervisors, along with such fee as may be established from time to time by resolution of the Township Board of Supervisors. Such application shall include, but shall not be limited to: (i) a copy of the current deed of record showing ownership of the parcel involved; (ii) a plan that at a minimum contains the information required for preliminary plan submission by the Bethel Township Subdivision and Land Development Ordinance; and (iii) a list of all other governmental agencies or regulators and a list of related permits to be issued by the same that are required and/or associated with the activity proposed. The Applicant may attach such other data and information to enable the Supervisors to determine compliance with the provisions of this Ordinance.
- 1200.02 After receipt of the application, the Supervisors shall refer one (1) copy to the Township Planning Commission for its review and one (1) copy to the Township Zoning Officer for his or her review. The Planning Commission and Township Zoning Officer shall provide any comment in writing to the Board of Supervisors within thirty (30) days of receipt of the application.
- 1200.03 The Board of Supervisors shall a hold hearing(s) on an application to conduct a conditional use, with the first hearing on such application being conducted within sixty (60) days of receipt of the applications unless an extension of time is agreed upon by the parties. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as hearing officer. Each subsequent hearing on the application, if required, shall be held within forty-five (45) days of the prior hearing. The decision or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the



hearing, waive decision or findings by the Board of Supervisors and accept decision or finding of the hearing officer as final. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of this act in the Zoning Ordinance last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter. If the Supervisors shall fail to provide such notice, the applicant may do so.

1200.04 Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

- A. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
- B. Services and utilities shall be made available to adequately service the proposed use.
- C. The use will not generate traffic such that hazardous or unduly congested conditions will result.
- D. The use is appropriate to the site in question.
- E. The use conforms with the goals, objectives, and policies of the Township Comprehensive Plan.
- F. The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.
- G. The use conforms with all pertinent State and Federal laws, regulations and requirements.
- H. The use shall not adversely affect the character of the neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.

1200.05 The applicant shall demonstrate, as a condition of approval of his or her application, that the standards in 1200.06 and those specified elsewhere in this Ordinance for the use in question would be met.

1200.06 The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

1200.07 Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called

for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

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## **SECTION 1300 ADMINISTRATION AND ENFORCEMENT**

### **1310 APPOINTMENT AND POWERS OF ZONING OFFICER**

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. A Zoning Officer may institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

### **1311 Inspection of Premises**

The Zoning Officer and his deputies and assistants after notification to owner and occupant and at a time agreeable to all parties involved, shall have the right and authority, at a time agreeable to both parties, to enter any building, structure, premises, lot, or land, whether already erected or put into use, or in the course of erecting and putting into use, for the purpose of determining whether or not the provisions of this Ordinance are being complied with.

### **1320 ZONING PERMITS**

#### **1321 Requirements**

No building, structure, or sign shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to, or structurally altered nor shall land, buildings and structures be put to any use or have the use for which they are used changed, without a permit therefore issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a Variance, or upon order from a court of competent jurisdiction.

1321.01 Zoning Permits shall not be required for the following structures:

1321.01.a Lamp posts

1321.01.b Mailboxes

## **1322 Application Procedures**

The application from a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure, or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by the following information:

- 1322.01 A map of the lot in question, drawn to scale, indicating the lot area and showing all dimensions of the lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures, and alterations to buildings or structures.
- 1322.02 The use, height, length, width, and proportion of the total lot area covered of all proposed and existing buildings, structures, signs, and additions or alterations to buildings, structures, and signs.
- 1322.03 A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and Home Occupations, the floor area to be devoted to each use shall be indicated.
- 1322.04 The number, location, and dimensions and design of parking and loading areas, recreation areas, signs, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting.
- 1322.05 Method of proposed water supply and sewage disposal and the location of any on-lot facilities.
- 1322.06 All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- 1322.07 Only applications which contain all of the necessary information for the Zoning Officer to make a determination as to the conformity to the Zoning Ordinance, and which are accompanied by the required fee, will be considered complete.

## **1323 Approval or Disapproval**

- 1323.01 Except when Site Plan Review is required, the Zoning Officer shall, within ninety (90) days of acceptance of the completed application, determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.

1323.02 When Site Plan Review is required, the Zoning Officer shall follow the procedure set forth in section 1031 of this Ordinance. Upon receipt of the Planning Commission's recommendation, but within ninety (90) days of acceptance of the completed application, the Zoning Officer shall determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.

**1324 Issuance and Posting of Permit**

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Zoning Permit which shall be visibly posted on the site of operations during the entire time of construction. The Permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding a total of two (2) years.

**1325 Rights of a Permit Holder**

A Zoning Permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

**1330 CERTIFICATE OF OCCUPANCY**

**1331 Requirements**

It shall be unlawful to use and/or occupy any principal building, principal structure, or part thereof, hereafter erected, constructed, assembled, reconstructed, replaced, or structurally altered, enlarged, or moved, in whole or in part, after the effective date of this Ordinance or any principal building, principal structure, or part thereof of which the use is changed, until a certificate of occupancy has been obtained from the Zoning Officer.

**1332 Ordinance Conformity**

No certificate of occupancy shall be issued for any building or structure unless all of the provisions of this Zoning Ordinance and other rules, regulations, and Ordinances of the Township have been complied with, along with conditions set forth by the Zoning Hearing Board where applicable.

**1333 Issuance**

Upon the receipt of written notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his rights of appeal.

**1334 Temporary Certificate of Use and Occupancy**

Upon request of the holder of a permit and upon the approval of the Supervisors, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign, or portion thereof before the entire work covered by the permit shall have been completed. Such certificate shall be for a period not to exceed twelve (12) months and the applicant shall demonstrate his intent and formal arrangements to complete all work within the twelve (12) month period. Such portion or portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

**1340 SCHEDULE OF FEES**

The Supervisors shall establish, by resolution, a schedule of fees for requests for zoning permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer.

Until all application fees and charges have been paid in full, no action shall be taken on any application or appeal.

**1350 ENFORCEMENT NOTICE**

**1351** If it appears that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

**1352** The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

**1353** The enforcement notice shall state at least the following:



The name of the owner of record and any other person against whom the Township intends to take action.

- (1) The location of the property in violation.
- (2) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- (3) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (4) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) calendar days of receipt of the notice.
- (5) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**1354** In any appeal of an enforcement notice to the Zoning Hearing Board the Township shall have the responsibility of presenting its evidence first.

**1355** Any filing fees paid by a party to appeal an enforcement notice to the Zoning.

Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

**1360** **CAUSES OF ACTION.** In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Supervisors or, with the approval of the Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Supervisors of the Township. No such action may be maintained until such notice has been given.

**1370** **JURISDICTION.** District Justices shall have initial jurisdiction over proceedings brought under section 1380.

**1380** **ENFORCEMENT REMEDIES.**

**1381** Any person, partnership or corporation who or which has violated or permitted

the violation of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance 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 the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.

**1382** The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

**1383** Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**1400 PROCEDURES FOR AMENDMENT**

**1401 Power to Amend**

The regulations and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed through amendment by the Township Supervisors.

**1402 Procedure for Amendment**

The procedure to be followed to amend this Ordinance shall be as set forth in Section 609 of the Municipalities Planning Code.

**1405 EXEMPTIONS**

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

**1410 VALIDITY**

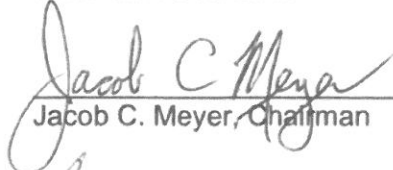
In the event any article, provision, section, subsection, sentence, clause, phrase, portion of this Ordinance or the location of any District boundary shown on the Zoning Map is held to invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining articles, provisions, sections, subsections, sentences, clauses, phrases or portions of this Ordinance or remaining portions of the Zoning Map Each is considered severable for this purpose. It is the intent of the Board that the remainder of this Ordinance and Zoning Map shall remain in full force and effect notwithstanding the fact of any such invalid or unconstitutional determination.

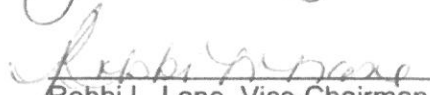
**1450 EFFECTIVE DATE AND REPEALER**

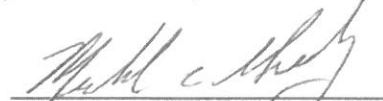
This Ordinance is intended to be a continuation of the overall Zoning plan for the Township Zoning Ordinance of Bethel Township and to be generally consistent with the Bethel Township Comprehensive plan. Although many provisions and sections are re-enactments of sections of the current Bethel Township Zoning Ordinance there are and have been substantial changes and additions to the ordinance and the Zoning Map. Therefore, all ordinances or parts of ordinances in direct conflict with the specific terms, sections, or provisions of this Ordinance and the accompanying map are repealed to the extent, but only to the extent necessary to give full effect to the Ordinance. Except as otherwise provided herein, this Ordinance shall become effective five days after enactment.

ORDAINED and ENACTED as the Bethel Township Zoning Ordinance and Zoning Map by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania in lawful session duly assembled this 18 of January, 2021.

**BOARD OF SUPERVISORS OF  
BETHEL TOWNSHIP**

  
\_\_\_\_\_  
Jacob C. Meyer, Chairman

  
\_\_\_\_\_  
Robbi L. Lane, Vice-Chairman

  
\_\_\_\_\_  
Michael C. Graby, Supervisor

Attest:

  
\_\_\_\_\_  
Jayne K. Seifrit, Township Secretary