

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

RAPHO TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2010-4

AN ORDINANCE AMENDING THE RAPHO TOWNSHIP ZONING ORDINANCE BY ADDING VARIOUS TERMS AND DEFINITIONS RELATING TO ALTERNATIVE ENERGY SYSTEMS INCLUDING GEOTHERMAL, OUTDOOR HYDRONIC HEATERS, AND SOLAR AND WIND ENERGY SYSTEMS; ZONE REGULATIONS PERMITTING PRINCIPAL AND ACCESSORY ALTERNATIVE ENERGY SYSTEMS; GENERAL PROVISIONS REGULATING THE PLACEMENT, CONSTRUCTION, OPERATION, AND MAINTENANCE OF PRINCIPAL AND ACCESSORY ALTERNATIVE ENERGY SYSTEMS; AND SPECIFIC CRITERIA REGULATING THE PLACEMENT, CONSTRUCTION, AND OPERATION OF PRINCIPAL MANURE DIGESTERS.

Be it ordained and enacted by the Board of Supervisors of Rapho Township, Lancaster County, Commonwealth of Pennsylvania, as follows:

Section 1. Article I, Section 112 Definitions is hereby amended to include the following:

- A. Section 112.C. Specific Words and Phrases, is hereby amended to include the following additional and/or revised words and phrases:

ANAEROBIC DIGESTION: The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

APPURTENANCES: The visible, functional, or ornamental objects accessory to and part of buildings.

BIOGAS: A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

GEOTHERMAL TERMS:

- a. **CLOSED HORIZONTAL LOOP GEOTHERMAL SYSTEM:** A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater.
- b. **CLOSED VERTICAL LOOP GEOTHERMAL SYSTEM:** A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

- c. GEOTHERMAL BOREHOLES: A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.
- d. GEOTHERMAL ENERGY SYSTEM: An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.
- e. OPEN HORIZONTAL LOOP GEOTHERMAL SYSTEM: Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injection". Alternatively, the groundwater could be discharged to a watercourse also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the watercourse or well.

MANURE DIGESTER: A facility designed to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

OUTDOOR HYDRONIC HEATER: A fuel-burning device as to which all of the following apply:

- a. Is designed to burn, or is capable of burning one or more of the following allowed fuels:
 - i. Clean wood;
 - ii. Wood pellets made from clean wood;
 - iii. Home heating oil, natural gas or propane that:
 - a). Complies with all applicable sulfur limits.
 - b). Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
 - iv. Other fuel approved in writing by DEP.
- b. Has a rated thermal output of less than 350,000 Btu per hour.
- c. The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.
- d. Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

SOLAR ENERGY SYSTEM: Any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

STACK: Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

TURBINE HEIGHT: The distance measured from the highest point of the wind turbine rotor plane to the ground level.

WIND CHARGER: A wind energy system direct-current generator used for charging storage batteries.

WIND ENERGY SYSTEM: A device such as a wind charger, wind turbine and/or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, consisting of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WINDMILL: A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND TURBINE: A device 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.

WIND TURBINE TOWER: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

Section 2. Article II, Section 201 Agricultural Zone (A), is hereby amended as follows:

A. Section 201.3.4. Manure storage facilities, is hereby amended to include the following additional subsection:

1. Section 201.3.4.E. Accessory manure digesters shall be permitted as accessory uses and/or accessory structures to agricultural and farm uses only where livestock and poultry manure generated on-site is used to generate and supply electrical or thermal power exclusively for on-site use by the agricultural and/or farm use. Except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner shall provide evidence written confirmation that the public utility company has been informed of the customer's intent

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

- B. Section 201.5 Conditional Uses, is hereby amended to include the following additional subsections:
 - 1. Section 201.5.9. Principal Manure Digester subject to the provisions of Section 464.
 - 2. Section 201.5.10. Principal Solar Energy System subject to the provisions of Section 329.1.

Section 3. Article II, Section 220 Industrial, is hereby amended as follows:

- A. Section 220.3 Conditional Uses, is hereby amended to include the following additional subsections:
 - 1. Section 220.3.15. Principal Manure Digester subject to the provisions of Section 464.
 - 2. Section 220.3.16. Principal Wind Energy System subject to the provisions of Section 329.2.

Section 4. Article III, Section 302 Accessory Uses and Structures, is hereby amended as follows:

- A. Section 302.2 Alternative Energy Sources, is hereby deleted and replaced by the following subsections:

- 1. Section 302.2 Alternative Energy Sources

Section 302.2.1. Geothermal systems shall be permitted in all zones subject to the following regulations:

- A. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Only the following types of geothermal energy systems shall be permitted:
 - 1. Closed horizontal loop;
 - 2. Closed vertical loop; and
 - 3. Open horizontal loop systems relying upon injection wells or water courses.
- C. Unless otherwise specified, geothermal system shall be located a minimum distance of twenty five feet (25) feet from any property line.
- D. For closed loop systems, the following shall apply:

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

1. For all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
2. All horizontal closed loop systems shall be no more than twenty (20) feet deep.

E.

F. For open horizontal loop systems, the following shall apply:

1. Water Extraction
 - a. Open loop systems may utilize a watercourse to the extent permissible under Federal, State, or local municipal laws or regulations.
 - b. All open loop systems which extract water from groundwater sources shall comply with extraction limitations set for potable water wells under Federal, State, or local municipal laws or regulations. Installation requirements for extraction wells shall be the same as those for potable water wells, with respect to those regulations designed to prevent aquifer contamination (grouting, etc.), or in conformance with IGSHA standards, as determined by the Township Engineer.
2. Discharge of Water
 - a. Discharge of water from open loop systems into sanitary sewer systems shall be prohibited, except upon approval by the sanitary sewage system provider.
 - b. Discharge of water from open loop systems into storm sewers shall not be permitted.
 - c. Discharge of water from open loop systems into a watercourse shall require certification by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the design of the watercourse is such that the watercourse can be expected to retain its capacity to meet the needs of the geothermal system over the lifetime of the system and of any other water discharges for which it is used.
 - d. Discharge of water from open loop systems into a watercourse, shall comply with all Federal, State, or local municipal laws or regulations.
 - e. Underground injection of water discharge from an open loop system shall be subject to the following conditions:
 1. Returned water shall contain no treatment additives or other introduced chemicals.
 2. The return well shall be located a minimum distance of two hundred (200) feet from wells on adjacent properties.
 3. The return well shall be located a minimum distance of one hundred (100) feet from the on-site well.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

4. The return well shall recharge the groundwater from which supply water is extracted.
 5. Because such return wells are included as "Class V Underground Injection Wells," the applicant shall submit an "Inventory of injection Wells" form, available from the U.S. Environmental Protection Agency and shall comply with all Federal, State, or local municipal laws or regulations.
- f. The use of open loop systems within identified well head protection areas is prohibited.

Section302.2.2. Outdoor hydronic heaters shall be permitted as accessory uses and accessory structures in the Agricultural Zone and shall be subject to the following regulations:

- A. The design and installation of outdoor hydronic heaters shall conform to applicable industry standards, including those of the US Environmental Protection Agency (EPA), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All outdoor hydronic heaters shall be located a minimum distance of one hundred fifty (150) feet from any property line, street right-of-way, or any inhabited dwelling not located on the lot on which the outdoor hydronic heater is proposed.
- C. All outdoor hydronic heaters shall have a permanent attached stack. The minimum height of all stacks shall be twenty (20) feet above the ground and otherwise installed according to the manufacturer's specifications.
- D. The owner of the outdoor hydronic heater shall provide evidence indicating that the maintenance and operation of the outdoor hydronic heater is in compliance with the Operation and Performance Standards of this Ordinance (see Section 315), as well as in compliance with all emissions of air quality standards promulgated by the US Environmental Protection Agency (EPA), PA DEP, or other relevant state or federal agency including emissions of dust and particulates.

Section302.2.3. Accessory solar energy systems shall be permitted in all zones subject to the following regulations:

- A. A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the accessory solar energy system shall provide written

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

- B. The design and installation of accessory solar energy system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- C. For the purposes of this Ordinance, all 'at grade' or 'above grade' features and facilities relating to ground mounted and/or freestanding solar energy systems including solar photovoltaic cells, panels, or arrays, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and foundations shall be considered impervious surface and subject to the maximum lot coverage requirements of the underlying zone, unless the applicant can demonstrate by credible evidence that stormwater will infiltrate into the ground beneath the solar collection systems at a rate equal to that of the infiltration rate prior to placement of the system.
- D. Whenever practical, all accessory solar energy systems shall be attached to a building, or located on an impervious surface. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitations of the building.
- E. All accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- F. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- G. No part of any accessory solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.
- H. All ground mounted and/or freestanding accessory solar energy systems shall be located a minimum distance of one and one half (1.5) times the height of the highest point of the solar collection system, from any inhabited structure not located on the lot on which the accessory solar energy system is proposed, property line, street right-of-way, or overhead utility line.
- I. Accessory solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within the underlying zone.
- J. Accessory solar energy systems which are ground mounted or freestanding detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

- K. The applicant shall submit a plan for the removal of the accessory solar energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the solar energy system is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.

Section 302.2.4. Accessory wind energy systems shall be permitted as accessory uses and accessory structures and shall be subject to the following regulations:

- A. A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the accessory wind energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator, and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- B. The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- C. No more than one (1) accessory wind energy system shall be permitted per property.
- D. Accessory wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of closest neighboring inhabited structure or nearest habitable structure setback on abutting property. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. All on-site utility and transmission lines shall be placed underground.
- F. No part of any accessory wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

- G. All accessory wind energy systems shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure not located on the lot on which the accessory wind energy system is proposed, property line, street right-of-way, or overhead utility line.
- H. No portion of any accessory wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- I. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- J. Accessory wind energy systems shall not display advertising, except for reasonable identification of the accessory wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- K. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within the underlying zone.
- L. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any property.
- M. The applicant shall submit a plan for the removal of the accessory wind energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the wind turbine is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.

Section 5. Article III, General Provisions is hereby amended to include Section 329 Principal Alternate Energy Facilities and subsections, as follows:

A. Section 329 Principal Alternative Energy Facilities

Section 329.1 Principal Solar Energy Systems shall be subject to the following regulations:

- 329.1.1. The layout, design, and installation of principal solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 329.1.2. For the purposes of this Ordinance, all 'at grade' or 'above grade' features and facilities relating to ground mounted and/or freestanding solar energy systems including solar photovoltaic cells, panels, or arrays, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and foundations shall be

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

- considered impervious surface and subject to the maximum lot coverage requirements of the underlying zone, unless the applicant can demonstrate by credible evidence that stormwater will infiltrate into the ground beneath the solar collection systems at a rate equal to that of the infiltration rate prior to placement of the system.
- 329.1.3. Whenever practical, all principal solar energy systems in the A zone shall be attached to a building; or if ground mounted and/or freestanding, the applicant shall demonstrate by credible evidence that:
- A. the area proposed for the principal solar energy systems does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, and is generally unsuitable for agricultural purposes; and
 - B. such facilities cannot feasibly be attached to a building due to structural limitations of the building.
- 329.1.4. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- 329.1.5. All principal solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- 329.1.6. Principal solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each the underlying zone.
- 329.1.7. For purposes of determining compliance with lot coverage standards of the underlying zone, the total surface area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices shall be considered impervious.
- 329.1.8. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with Screening and Landscaping requirements of this Ordinance (see Section 321).
- 329.1.9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- 329.1.10. The applicant shall submit a plan for the removal of the principal solar energy systems when it becomes functionally obsolete or is no longer in use. The principal solar energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal solar energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

Section 329.2 Principal Wind Energy Systems shall be subject to the following regulations:

- 329.2.1. The layout, design, and installation of principal wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 329.2.2. Principal wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of the closest neighboring inhabited structure or nearest habitable structure setback on abutting property. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- 329.2.3. All on-site utility and transmission lines shall be placed underground.
- 329.2.4. All principal wind energy systems 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. Manual regulation by wind energy system personnel shall not be considered a sufficient braking system for overspeed protection.
- 329.2.5. Principal wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
- 329.2.6. Wind turbines and towers shall not display advertising, except for reasonable identification of the principal wind system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- 329.2.7. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
- 329.2.8. All principal wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent property.
- 329.2.9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- 329.2.10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- 329.2.11. No portion of any principal wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

- 329.2.12. All principal wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- 329.2.13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
- 329.2.14. All mechanical equipment of principal wind energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with Screening and Landscaping requirements of this Ordinance (see Section 321), and the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- 329.2.15. The applicant shall submit a plan for the removal of the principal wind energy system when it becomes functionally obsolete or is no longer in use. The principal wind energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal wind energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

Section 6. Article IV, Specific Criteria is hereby amended to include Section 464 Principal Manure Digester, as follows:

A. Section 464 Principal Manure Digester

- 464.1. Within the A and I Zones, principal manure digesters are permitted by conditional use, subject to the following standards:
- 464.2. The applicant shall provide a detailed description of the nature of the on-site activities and operations, the types of materials stored, used and generated, the frequency and duration period of storage of materials and the methods for use and disposal of materials of the proposed use and a complete land development application shall be submitted to the Township once the conditional use application has been approved.
- 464.3. The proposed use shall be subject to the Operation and Performance Standards of this Ordinance (see Section 315).
- 464.4. The proposed use shall comply with all the requirements of the applicable district, except that all buildings, structures and facilities used as part of the manure digesting operations shall be setback two hundred (200) feet of from any property line. Additionally, no building, structures, or facility shall be located nearer than three hundred (300) feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Township.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

Section 7. In all other respects, the existing Zoning Ordinance remains unchanged.

Section 8. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

RAPHO TOWNSHIP
COMPREHENSIVE ALTERNATIVE ENERGY ZONING AMENDMENT

Section 9. This Ordinance shall become effective five (5) days after adoption.

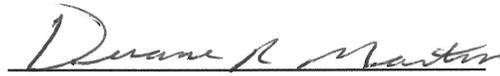
ADOPTED this 21st day of October, 2010.



Lowell B. Fry, Chairman
Board of Supervisors of Rapho Township

ATTEST:

I, Duane R. Martin, Secretary of the Board of Supervisors of Rapho Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Rapho Township held on October 21, 2010, at which meeting a quorum was present and voted in favor thereof.



Duane R. Martin, Secretary
Board of Supervisors of Rapho Township

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