

**SOUTH BEAVER TOWNSHIP
BEAVER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 95

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY,
PENNSYLVANIA, AMENDING ORDINANCE NO.87, THE SOUTH BEAVER TOWNSHIP
ZONING ORDINANCE.**

WHEREAS, as authorized by the Pennsylvania Municipalities Code (MPC), the Board of Supervisors of the Township of South Beaver regulates land use and zoning within the Township through its comprehensive Zoning Ordinance, presently embodied in Ordinance No. 87;

WHEREAS, upon the recommendation of the Township Staff and the Township Planning Commission, the Township Board of Supervisors seeks to perform an update of the current zoning and land use regulations in the Zoning Ordinance;

WHEREAS, the Township has, in accordance with the requirements of the MPC, received recommendations from its Planning Commission that were formulated at duly notice public meetings;

WHEREAS, on June 11, 2025, the Township Board of Supervisors held a duly noticed, advertised, and posted public hearing to take public comment on the proposed revisions to the Zoning Ordinance; and

WHEREAS, the Township Board of Supervisors, having received such public comment as may have been given at the Public Hearing, and having received the recommendations of the Township's Planning Commission, finds that enactment of the proposed Amendment to the Zoning Ordinance will be beneficial to the health, safety, and welfare of the Township and consistent with the Pennsylvania MPC.

NOW THEREFORE, be it Ordained and Enacted by the Board of Supervisors of the Township of South Beaver, a Township of the Second Class under the laws of the Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted by virtue of the authority of the same, as follows:

SECTION 1: Article II, Section 2.2(A)(5) (Meaning of Words and Phrases) of the Zoning Ordinance shall be amended to add the following:

- a. AIR BED AND BREAKFAST: See “short term rental”
- b. BREWERY: A facility for the production and packaging of beer and other malt beverages for distribution, retail, or wholesale, which does not provide for the consumption of alcoholic beverages on site.
- c. CHICKEN: See "Fowl."
- d. CHICKEN RUN OR PEN: A fenced or otherwise enclosed area that is mostly open to the elements, designed to allow chickens to leave the henhouse or coop while remaining in a predator-safe environment. A chicken run or pen is typically attached to the henhouse or chicken coop.
- e. EVENT VENUE: A facility designed primarily for hosting private special events on a contractual basis, including but not limited to weddings, banquets, anniversaries, holiday gatherings, trade shows, corporate functions or meetings, and other similar functions. Event venues may sometimes include a catering use and may be a principal or accessory use where permitted by the underlying zoning.
- f. FOWL: Any domesticated species of bird raised primarily for agricultural or personal purposes, including the production of eggs, meat, feathers, or for ornamental purposes. This includes chickens, turkeys, ducks, quail, and geese.
- g. HEN: a female chicken, broadly: a female bird
- h. HENHOUSE OR CHICKEN COOP: A fully enclosed structure designed to provide shelter for chickens or other fowl.
- i. SERVER (DATA) FARM: A facility that hosts a collective group of computer servers and other associated equipment, engaging in the storage, management, processing, and/or transmission of digital data. Includes data centers, colocation (colo) centers, carrier hotels, and other similar uses.
- j. SHORT TERM RENTAL: The rental of a dwelling unit, or any portion thereof, for a period of less than 30 days as a principal or accessory use. This term is inclusive of vacation rentals, transient rentals, short-term vacation rentals or resort dwelling units.
- k. SOLAR ENERGY PRODUCTION FACILITY, LARGE: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including pv modules, racking, inverters, transformers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered large solar energy production facility if it is > 500 kwh and if it supplies electrical or thermal power primarily for off-site use.

- I. SOLAR ENERGY SYSTEM, SMALL: A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment that is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use and is not utility scale, except that when a lot 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.
- m. WIND ENERGY PRODUCTION FACILITY, LARGE: An area of land or other area used to house one or more wind turbines or associated transmission facilities or equipment for the production of electricity primarily for off-site use.
- n. WIND ENERGY PRODUCTION FACILITY, SMALL: An area of land or other area used to house one or more wind turbines or associated transmission facilities or equipment for the production of electricity solely for on-site use.

SECTION 2: Article III, Table 3-1 (Permitted and Conditional Uses) of the Zoning Ordinance shall be amended to reflect the following changes / additions that will appear alphabetically (all uses in the current Table 3-1 that are not set forth below remain unchanged):

		AR	R-1	I	RC	V	NC
	Principal Use Non-Residential						
	Air Bed and Breakfast	C	C		C	C	C
	Brewery			P	P		
	Commercial Use Not Specifically Listed			C	C		
	Contractor's Supply Yard	C	C	P	P		P
	Event Venue	C			C		
	Farm, Communal or Cooperative	P					
	Server (Data) Farm			P			
	Solar Energy Production Facility, Large			C			
	Wind Energy Production Facility, Large			C			

SECTION 3: Article VII, Table 7-1 (General Requirements for Off Street Parking Facilities) of the Zoning Ordinance shall be amended to reflect the following changes/additions that will appear alphabetically and numbered accordingly (all uses in the current Table 7-1 that are not set forth below remain unchanged)

		Minimum Parking Requirements
	Principal Use Non-Residential	
10.	Air Bed and Breakfast	1 space per bedroom, plus 1 additional space per owner listed on deed
21.	Brewery	1 space per every 750 square feet of gross floor area or 1 space per employee on peak shift, whichever is greater and an additional 1 space per 50 square feet of tasting room floor area
37.	Event Venue	1 per 75 square feet gross floor area
38.	Farm, Communal or Cooperative	1 space per plot
90.	Server Farm (Data Center)	1 space per service employee
91.	Solar Energy Production Facility, Large	1 space per service employee
96.	Wind Energy Production Facility, Large	1 space per service employee

SECTION 4: Article VIII, Section 8.16 (Timber Harvesting/Logging shall be amended to read as follows:

SECTION 8.16 - TIMBER HARVESTING / LOGGING

In order to conserve forested open spaces and the environmental and economic benefits they provide, it is the policy of the municipality of South Beaver Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained herein are intended to further this policy by: 1) promoting good forestry stewardship; 2) protecting the right of adjoining property owners; 3) minimizing the potential for adverse environmental impacts; and 4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry, and improving human health and welfare of the community.

A. To encourage maintenance and management of forested and wooded open spaces and promote the conduct of forestry as a sound and economically viable use of forested land throughout the municipality, forestry activities – including timber harvesting- shall be permitted as a use by right in all zoning districts. Sections A through I apply to all timber harvesting within the municipality where the value of the trees, logs, or other timber products removed exceeds \$2,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

B. As used in this Section, the following terms shall have the following meanings given:

1. "Felling" means the act of cutting a standing tree so that it falls to the ground.
2. "Forestry" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not

involve any land development. (The definition of forestry is taken from 53 P.S. § 10107 of the Pennsylvania Municipalities Planning Code. Only forests and timberlands subject to residential or commercial development shall be regulated under the municipality's subdivision and development ordinance-SALDO).

3. "Landing" means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

4. "Landowner" means an individual, partnership, company, firm, association, or corporation that is in actual control of forested land, whether such control is based on legal or equitable title or 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 forestry consultants, who set up and administer timber harvesting.

5. "Litter" means discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.

6. "Lop" means to cut tops and slash into smaller pieces to allow material to settle closer to the ground.

7. "Operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including agents, subcontractors, and employees thereof.

8. "Pre-commercial timber stand improvement" means a forest practice, such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

9. "Skidding" means dragging trees on the ground from the stump to the landing by any means.

10. "Slash" means woody debris left in the woods after logging, including logs, chunks, barks, branches, uprooted stumps, and broken or uprooted trees or shrubs.

11. "Stand" means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

12. "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

13. "Timber harvesting," "tree harvesting," or "logging" means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

14. "Top" means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

15. "Wetland" means "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs or similar areas."

C. Notification; preparation of a logging plan.

1. Notification of commencement or completion. For all timber harvesting operations that are expected to exceed 1 acre, the landowner shall notify the municipality enforcement officer at least 14 business days before the operation commences and within 7 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.
2. Logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified in this ordinance. No timber harvesting shall occur until the plan has been prepared and provided to the municipality. The provisions of the plan shall be followed throughout the operation. The plan shall be at the harvest site at all times during the operation and shall be provided to the code enforcement officer upon request.
3. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

D. Contents of the logging plan.

1. Minimum requirements. At a minimum, the logging plan shall include the following:
 - a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
 - b. Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars;
 - c. Design, construction, and maintenance of stream and wetlands crossings; and
 - d. The general location of the proposed operation in relation to municipal and state highways, including access to those highways.
2. Map. Each logging plan shall include a sketch map or drawing containing the following information:
 - a. 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;
 - b. Significant topographical features related to potential environmental problems;

- c. Location of all earth disturbance activities, such as roads, landings, and water control measures and structures;
- d. Location of all crossings of waters of the Commonwealth;
- e. The general location of the proposed operation to municipal and state highways, including any access to those highways.

3. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

- a. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102 promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et.seq.); and
- b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et.seq.).

4. Relationships of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become a part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

E. Forest practices. The following requirements shall apply to all timber harvesting operations in the municipality:

- 1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;
- 2. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to the adjoining residential property;
- 3. All tops or slash between 25 and 50 feet from a public or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of 4 feet above the ground;
- 4. 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; and
- 5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

F. Responsibility to road maintenance and repair; road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 of the Pennsylvania Code, Chapter

189, the landowner and the operator shall be responsible for repairing any damage to municipal roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The operator may be required to furnish a bond to guarantee the repair of such damage.

G. Permit required, notification, insurance and surety.

1. When a property owner wishes to conduct or permit to be conducted a logging or timber-harvesting operation on his property, such owner shall obtain a logging permit from the Township. The fee schedule for logging and timber harvesting permits shall be as indicated in the current Township Fee Schedule.
2. A logging and timber harvesting permit shall not be required, and this section shall not apply to:
 - a. Work performed on clearing subdivision road and ROWs approved by the Board of Supervisors.
 - b. Individual lots affected by the logging operation of less than one acre in size, provided that the entire logging or timber-harvesting operation does not exceed a total of once acre.
3. The Township shall be notified in writing before any logging or timber-harvesting operation begins. At the time of notification, the Township shall determine if other Township permits or approvals are required. Should a logging and timber-harvesting permit be required, the Township shall be notified at the following times:
 - a. Fourteen (14) business days prior to starting the operation.
 - b. Seven (7) business days prior to terminating the operation.
4. Upon the issuance of a permit, the applicant shall submit a certificate of insurance evidencing the logging operator's workers' compensation insurance coverage with \$1,000,000 E. L. each accident, \$1,000,000 E. L. disease – each employee and \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$2,000,000 products and completed operation aggregate.

H. Submission requirements for permit application. The logging and timber-harvesting application shall be filed with the Township and shall contain the following:

1. A project narrative/description containing the following information:
 - a. Purpose of the proposed operation including the total number of trees for harvesting and the types of trees to be harvested.
 - b. If the proposed timbering or logging activity is within ten (10) feet of any unmarked property line. The total land area involved in the proposed logging operation shall be shown on a survey plan prepared by a licensed PA surveyor.

I. Enforcement.

1. Code enforcement officer. The code enforcement officer shall administer and enforce Sections 1 through 10 of this ordinance.

2. Inspections. The code enforcement 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 Sections 1 through 8; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations. Note that active logging sites are inherently dangerous, even when tree felling is not occurring. No one should ever enter an active logging site without the proper personal protective equipment and/or without giving prior notification to the logging supervisor.

3. Violation notice; suspensions. Upon a finding that a timber harvesting operation is in violation of any provision of this ordinance, the code enforcement officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date of not less than 30 days by which corrective action must be taken. The code enforcement officer may order the immediate suspension of any operation upon finding that: (1) corrective action has not been taken by the date specified in the notice of violation; or (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment as confirmed by the local conservation district and the DEP. Suspension orders shall be in writing, issued to both the operator and the landowner, and remain in effect until, as determined by the code enforcement officer, the operation is brought into compliance with this ordinance or other applicable statutes or regulations of the logging plan. The landowner or the operator shall appeal an order or decision of a code enforcement officer within 30 days of issuance to the governing body of the municipality.

4. Penalties. Any landowner or operator who: (1) violates any provision of this ordinance; (2) refuses to allow the code enforcement officer access to a harvest site pursuant to paragraph (b) of this Section; or (3) fails to comply with a notice of violation or suspension order issued under paragraph (c) of this Section is guilty of a summary offense and upon conviction shall be subject to a fine of not less \$100 plus costs. Each day the violation continues may constitute a separate offense. The enforcement of this ordinance by the municipality shall be by action brought before a district magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 5: Article VIII, Section 8.23 (Keeping of Domestic Fowl) shall be added and read as follows:

SECTION 8.23- KEEPING OF DOMESTIC FOWL

The keeping of domesticated fowl for non-commercial or personal use shall be permitted by right as an accessory use in all zoning districts, subject to the issuance of a zoning compliance permit for all structures and adherence to the performance standards outlined in this ordinance.

A. Domestic Fowl must be kept in an enclosure at all times. No fowl shall be allowed to roam freely or be kept outdoors without the safety of an enclosure.

(1) All structures associated with the keeping of fowl, including henhouses, chicken coops, fences, and chicken runs, must comply with the accessory structure requirements of this ordinance, including but not limited to building height, square footage, and setbacks.

(2) Chicken runs, pens, henhouses, and chicken coops shall be set back from all adjacent dwellings not occupied by the applicant by a minimum of fifty feet (50) feet.

B. Odors from the chicken coop, run, or other associated structures shall not be perceptible at the property line

C. The minimum lot size for the keeping of domestic fowl shall be one quarter acre.

D. A maximum of ten (10) hens shall be permitted on the first quarter acre of land. For each additional quarter-acre of lot area beyond the first quarter acre, ten (10) additional hen may be permitted, up to a maximum of fifty (50) hens per lot on a residential use.

E. Roosters are prohibited on any residential lot that is less than 1 acre.

F. All associated structures, including chicken coops and runs, shall be maintained in a sanitary and safe condition at all times.

G. Animal waste shall be disposed of in accordance with Chapter 91 of the Pennsylvania Clean Streams Law

H. Dead animals shall be disposed of promptly, in accordance with applicable Township waste disposal regulations.

I. Any violation of the provisions of this ordinance shall be subject to enforcement under the Township's general zoning enforcement procedures

SECTION 6: Article IX, Section 9.5 (Standards of Specific Uses) shall be amended to add Section B. Air Bed and Breakfast which shall read as follows:

B. Air Bed and Breakfast.

An air bed and breakfast shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The number of off-street parking and loading spaces shall be provided as defined by this Ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.

2. The overnight occupancy shall not exceed two (2) persons per bedroom, excluding children under twelve (12) years of age.

3. An individual overnight guest shall not occupy the air bed and breakfast for more than 30 consecutive nights and shall not be permitted to re-occupy the air bed and breakfast for a minimum of 7 consecutive nights.
4. In no case shall a short-term rental unit be rented more than once in a 24-hour period unless the unit has been vacated by the previous renter for a minimum of 24 hours prior to the next rental.
5. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features required by building or fire codes can be added to protect public safety.
6. No exterior advertising shall be allowed.
7. A Quiet Time shall be observed daily from 10:00 p.m. to 6:00 a.m. During this period, noise levels exceeding 40 decibels at the property boundary are prohibited.
8. In the AR and R-1 zoning districts, short term renters shall not utilize the premises for holding special events or gatherings.

SECTION 7: Article IX, Section 9.5 (Standards of Specific Uses) shall be amended to add Section L. Contractor Supply Yard which shall read as follows:

L. Contractor Supply Yard.

Such an area shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The Supply Yard shall be located only in the side or rear yards of the site.
 - i. Screening shall meet the standard of the zoning district in which the Yard is located.
 - ii. The Supply Yard shall meet all required setbacks of the zoning district.
2. All areas used for the storage and movement of vehicles, equipment and materials shall be improved by an appropriate all-weather paved surface such as compacted aggregate, asphaltic concrete, reinforced concrete, concrete pavers or such material that has been engineered to bear the weight of the materials or equipment stored there.
 - i. Total surface area for such paved storage areas shall not exceed the total impervious surface area allowed for the zoning district.
3. Vehicles and equipment stored in the yard must be maintained in good working condition at all times.

SECTION 8: Article IX, Section 9.5 (Standards of Specific Uses) shall be amended to add Section P. Event Venue which shall read as follows:

P. Event Venue.

An event venue shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Any facility located within 200 feet of a property line adjoining a residential use shall cease operations no later than 10 pm.
2. All off-street parking shall be located on the lot.
3. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.
4. Dining shall only be provided for guests, their invitees and attendees of special events or business meetings. The event center shall not operate as a food service establishment or restaurant.
5. Sale of alcoholic beverages to guests and their invitees for on-site consumption shall be in conformance with the regulations of the Commonwealth of Pennsylvania.
6. Indoor event venues shall be limited to the designated building occupancy.
7. No temporary overnight accommodations such as tents and/or camping units shall be allowed.

SECTION 9: Article IX, Section 9.5 (Standards of Specific Uses) shall be amended to add Section NN. Solar Energy Production Facility, Large which shall read as follows:

NN. Solar Energy Production Facility, Large.

Solar Energy Production Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Buffer yards shall be provided and maintained in all yards adjoining a residential use or residentially zoned property in accordance with Bufferyard A as defined in this Ordinance.
2. Highly trafficked sections of road shall be screened as determined by the Township.
3. A minimum eight-foot high fence with a self-latching gate shall be placed around the perimeter of the site
4. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence on the surrounding the site informing individuals of potential voltage hazards
5. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use.

6. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
7. No portion of the site shall contain or be used to display advertising, however the manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment.
8. All panels shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, lots, or roadways.
9. Owner shall install bird deterrence measures such as physical barriers (eg. bird spikes or netting), visual deterrents (eg. Reflective tape or predator decoys), and/or auditory deterrents (eg. Sonic devices or distress calls), or a combination thereof, to discourage bird strikes and/or unwanted nesting.
10. Noise shall not exceed 50 dBA, as measured at the property line.
11. All flammable and/or hazardous material must be contained in a container that meets standards to contain potential spills and fire.
12. All containment devices must be separated by a minimum of 10'.
13. No trees or other landscaping otherwise required by this ordinance may be removed for the installation or operation of a Solar Energy Production Facility.
14. At a minimum, a twenty-five foot (25) wide access road must be provided from state or township roadway into the site.
15. Internal cartways shall be a minimum of sixteen (16) feet to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.
16. Ground mounted systems shall not be artificially lighted except to the extent required for safety.
17. Developer shall post a bond in the amount of 110% of the construction cost of the facility.
18. The Solar Energy Production Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The use shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
19. The owner shall then have twelve (12) months in which to dismantle and remove all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.

SECTION 10: Article IX, Section 9.5 (Standards of Specific Uses) shall be amended to add Section RR. Wind Energy Production Facility which shall read as follows:

RR. Wind Energy Production Facility.

Wind Energy Production Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. All wind turbines and associated equipment shall be setback from the property line at a distance calculated as 1.25 times the height of the turbine.
2. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
3. The site shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
4. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence on the surrounding the site informing individuals of potential voltage hazards.
5. All flammable and/or hazardous material must be contained in a container that meets standards to contain potential spills and fire.
6. Developer shall post a bond in the amount of 110% of the construction cost of the facility.
7. No portion of the site shall contain or be used to display advertising, however the manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment.
8. At a minimum, a twenty-five foot (25) wide access road must be provided from state or township roadway into the site.
9. Site lighting must comply with Federal Aviation Administration minimum requirements and, whenever possible, be at the lowest intensity allowed using red lights at night
10. The facility owner and operator shall make every reasonable effort to minimize shadow flicker on any occupied building on a nonparticipating landowner's property or on any adjacent right of way.
11. The owner of a wind energy system, MET tower, or wind farmsystem must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television systems.
12. Owner shall install bird deterrence measures such as physical barriers (eg. bird spikes or netting), visual deterrents (eg. Reflective tape or predator decoys), and/or auditory deterrents (eg. Sonic devices or distress calls), or a combination thereof, to discourage bird strikes and/or unwanted nesting.

13. Noise shall not exceed 50 dBA, as measured at the property line.

14. The Wind Energy Production Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The use shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

15. The owner shall then have twelve (12) months in which to dismantle and remove all wind turbines and related equipment including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove wind energy production equipment within the established timeframes, the municipality may complete the decommissioning at the owner's expense.

SECTION 10: Repealer

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 11: Severability

That 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.

SECTION 12: Effective Date

That this Ordinance shall take effect immediately upon enactment as provided by law.

[The remainder of this page has been intentionally left blank]

ORDAINED AND ENACTED into law this _____ day of _____, 2025.

ATTEST:

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SOUTH BEAVER:

Secretary

By: _____
John Onuska, Chairman

By: _____
Jack L. Minter, Jr., Member

By: _____
Tom Miller, Member

APPROVED AS TO FORM:

Solicitor