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PART 1

ALARM DEVICES

§13-101. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ACCIDENTAL FALSE ALARM — any false alarm which is not an intentional false alarm, as defined herein, or not when an intrusion, crime, fire or other emergency has actually occurred.

ALARM — a communication to the Police Department indicating that a crime, fire or other emergency situation warranting immediate action by the Police Department has occurred or is occurring.

ALARM DEVICE — a mechanical device designed to automatically transmit an alarm by wire, telephone, radio or other means:

- A. Directly to the Police Department;
- B. To a person who is instructed to notify the Police Department of the alarm; or
- C. To activate a bell or sounding device to be heard outside a building which is intended to alert the police or others to the existence of a crime, fire or other emergency situation warranting police action.

FALSE ALARM — an alarm to which the Police Department responds, resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by the Police Department has not in fact occurred.

INDIRECT ALARM DEVICE — an alarm device designed to transmit an alarm to a person who is instructed to notify the Police Department of the alarm.

INTENTIONAL FALSE ALARM — a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Police Department has occurred or is occurring.

PERMIT HOLDER — a person to whom the Police Department has issued an alarm device permit.

PERSON — an individual, corporation, partnership, incorporated association or other similar entity.

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POLICE DEPARTMENT — the Pennridge Regional Police Department.

TELEPHONE DIALER ALARM DEVICE — an alarm device designed to automatically transmit a recorded message over regular telephone lines directly to the Police Department or to a person who is instructed to notify the Police Department of the alarm.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 164, 7/16/1996, §1)

§13-102. Permits Required.

1. It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premises within the Township to put an alarm device into operation on his premises or to allow an alarm device to be put into operation on his premises without first obtaining an alarm device permit from the Police Department. It shall also be unlawful for a property owner, lessee of property or a person otherwise occupying a premises outside the Township to put into operation on his premises an alarm device which terminates at the Police Department headquarters or to allow such an alarm device to be put into operation on his premises without first obtaining an alarm device permit from the Police Department.
2. In order to apply for an alarm device permit, a person must submit an application to the Police Department stating:
 - A. His name.
 - B. His home and business address and the telephone number of each.
 - C. The location at which the alarm device will be installed and operated.
 - D. The names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time but who do not reside at the premises at which the alarm device is located.
 - E. A general written description of the device other than schematics.
 - F. If the device is to be leased or rented from, or is to be serviced pursuant to a service agreement by, a person other than the person making application for an alarm device permit, the name, address and telephone number of that person must be stated in the application.

- G. In addition, each person submitting an application for an alarm device permit shall submit a signed statement in the following form:

“I(We), the undersigned applicant(s) for an alarm device permit, intending to be legally bound hereby, agree with the Township/Police Department that neither I(we), nor anyone claiming by, through or under me(us) shall make any claim against the Township/Police Department, its officials or agents, for any damages caused to the premises at which the alarm device, which is the subject of this application, is or will be located, if such damage is caused by a forced entry to said premises by employees of the Township/Police Department in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when in the discretion of said employees the circumstances appear to warrant a forced entry.”

The Police Department shall furnish forms which any person wishing to apply for an alarm device permit shall submit with his application.

3. A person applying for an alarm permit for a telephone dialer alarm device, local sounding device or an indirect alarm device shall submit the required fee along with this application. The fee shall be fixed pursuant to a resolution of the Pennridge Regional Police Commission.
4. The Police Department shall, within 30 weekdays from receipt of an application for an alarm device permit, either grant an alarm device permit to the applicant or notify the applicant, in writing, that his application has been denied and the reason or reasons why it has been denied.
5. An application for an alarm device permit may only be denied for the following reasons:
 - A. The application submitted by the applicant does not comply with Subsections 2 or 3 of this section.
 - B. The applicant's alarm device does not conform to the operational standards set forth in §13-103 of this Part.
6. Notwithstanding the language contained in Subsection 1 of this section, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit for a period of 90 days after the effective date of this Part, provided that said alarm device was in operation on the effective date of this Part.
7. The Police Department shall have the power to revoke an alarm device permit. An alarm device permit shall be revoked by notifying the permit holder in writing that his alarm device permit has been revoked and the reason or reasons why it has been revoked. Said written notice shall be:

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- A. Delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery.
 - B. Mailed to the permit holder at his last known address by certified mail, postage prepaid, in which case the revocation shall be effective three days after mailing.
8. A alarm device permit may only be revoked for the following reasons:
- A. Failure of an alarm device to conform to the operational standards set forth in §13-103 of this Part.
 - B. Failure of a permit holder to pay a false alarm charge assessed to him by the Police Department under the provisions of §13-104 of this Part within 30 days of the mailing to him of a notice of the assessment of a false alarm charge.
 - C. The occurrence of more than 12 false alarms from an alarm device during any calendar year.
 - D. The occurrence of an intentional false alarm caused by the permit holder or by an individual over the age of 15 who resides on the premises where the alarm device is located.
9. A person who has had his alarm device permit revoked under Subsections 7 and 8 of this section may reapply for an alarm device permit 45 days after the effective date of such revocation; provided that, if a person's alarm device permit was revoked for nonpayment of a false alarm charge or for nonpayment of installation or maintenance fees, or both, the Police Department shall deny said application unless such charge or fee, or both, have been paid. Notwithstanding the foregoing, a person who has had his alarm device permit twice revoked on the basis of an occurrence of an intentional false alarm may not reapply for an alarm device permit for one year from the effective date of the second revocation.

(Ord. 164, 7/16/1996, §2)

§13-103. Operational Standards.

1. An alarm device need not contain a delay service which causes a delay to occur between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.
2. If an alarm device is designed to cause a bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after 30 minutes of operation. Preexisting

units must be modified for a thirty-minute device unless said unit cannot be modified without replacement.

3. All alarm devices shall meet the applicable standards of Underwriters' Laboratories and/or the National Fire Protection Association, and/or other recognized industry standards and shall be permitted under this Part if in conformity thereto. An alarm device which does not meet any of the above standards or for which there is no recognized industry standard shall require the applicant for a permit to submit evidence of the reliability or suitability of the alarm device. Any permit issued for such an alarm device which does not conform to the recognized standard shall be conditionally subject to satisfactory performance of said alarm device after installation. The applicant for a permit may be required to submit subsequent evidence of the reliability and suitability of the alarm device.
4. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the premises or other forces unrelated to genuine alarm situations.
5. The alarm device must be maintained by the permit holder in good repair to assure reliability of operation.

(Ord. 164, 7/16/1996, §3)

§13-104. False Alarms.

1. Intentional False Alarms. No permit holder or person shall create an intentional false alarm.
2. Accidental False Alarms. Any person or permit holder causing accidental false alarms for any reason shall pay to the Police Department a charge for each and every false alarm to which the Police and/or Fire Departments respond, in each calendar year, pursuant to a schedule of charges established by resolution of the Pennridge Regional Police Commission.
3. When a false alarm occurs, the Police Department, within 10 days from the date of the false alarm, shall notify the permit holder of the alarm device from which the false alarm charge is due or other person causing said false alarm that a false alarm charge is due and the amount thereof. Such notice shall be in writing and mailed to the permit holder or person causing said false alarm at his last known address by regular mail, postage prepaid. Failure of the Police Department to mail notice of assessment of a false alarm charge within 15 workdays from the occurrence of a false alarm shall preclude the Township from assessing a false alarm charge for said false alarm.

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4. A false alarm charge shall be due and payable at the office of the Police Department 30 days from the date of the mailing of the notice of assessment of the charge.
5. Failure of a permit holder to pay a false alarm charge on or before the date due shall subject such permit holder to revocation of his alarm device permit under §13-102, Subsection 8, of this Part.
6. Failure of a person causing a false alarm, other than a permit holder, to pay a false alarm charge on or before the date due shall constitute a violation of this Part and shall subject said person to the penalties set forth in §13-110 hereof.

(Ord. 164, 7/16/1996, §4)

§13-105. Change in Location of the Police Department.

If the location of the headquarters of the Police Department should change at any time, the Township shall not be responsible for any cost incurred by permit holders or other persons because of said change in location.

(Ord. 164, 7/16/1996, §5)

§13-106. Testing.

No person shall conduct or test any alarm device without first obtaining permission from the Police Department. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the central receiving station.

(Ord. 164, 7/16/1996, §5)

§13-107. Liability of Township.

The issuance of any permit shall not constitute acceptance by the Police Department of any liability to maintain any equipment, to answer alarms nor otherwise render the Police Department liable to any person for any loss or damage relating to the alarm system or procedure.

(Ord. 164, 7/16/1996, §7)

§13-108. Administration and Enforcement.

Administration and enforcement of this Part shall be functions of the Police Department and shall include the following:

- A. Authority to accept or reject a permit application or revoke a permit because of a misrepresentation or false statement contained in any application for a permit, failure to correct any deficiencies in equipment or operation of an alarm device after receipt of due notice from the Police Department or not meeting other conditions and specifications of this Part.
- B. Authority to order the disconnection of an alarm device until such device is made to comply with operational standards set forth herein, but only when evidence of failure to comply with said standards imposes a burden upon the Police Department as a result of false alarms.
- C. Authority, at reasonable times and upon written notice, to enter upon any premises within the Township to inspect the installation and operation of an alarm device.

(Ord. 164, 7/16/1996, §8)

§13-109. Right to Appeal.

Whenever, under the provisions of this Part, the Police Department is empowered to make a decision with respect to the installation, operation or maintenance of any alarm device, or with respect to the denial or revocation of any permit relating thereto, any applicant for a permit or permit holder aggrieved by such decision may, within 10 days following the decision, file a written appeal therefrom with the Pennridge Regional Police Commission, whereupon the Board of Commissioners shall promptly conduct a hearing within 30 days of the appeal petition and affirm, modify or reverse the decision appealed from. The decision of the Commission shall be subject to the appeal procedures pursuant to the Local Agency Law.

(Ord. 164, 7/16/1996, §9)

§13-110. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense. East Rockhill hereby designates and authorizes the Pennridge Regional Police Commission and Pennridge Regional Police Department to enforce this Part when necessary in the name of the Township and to collect all fines, costs and/or penalties imposed for the use of the Department whenever required by the District Justice.

(Ord. 164, 7/16/1996, §10; as amended by Ord. 192, 4/18/2000)

PART 2

TRANSIENT RETAIL BUSINESSES

§13-201. Findings and Purposes.

1. Findings. The East Rockhill Township Board of Supervisors has determined that the safety and privacy of Township residents, particularly the elderly, may be jeopardized by fraudulent schemes to sell goods and services to Township residents and that it is in the best interest of the Township to differentiate between certain categories of peddlers and solicitors.
2. Purposes. It is the purpose and intent of this Part to provide the Township with standards defining and regulating peddling and soliciting. These standards are intended to protect the safety and privacy of the residents of East Rockhill Township by regulating the behavior of peddlers and limiting peddlers' access to residents who do not wish to interact with them.

(Ord. 203A, 11/18/2003, §1.201)

§13-202. Definitions.

The following words shall have the following meanings when used in this Part, unless the context requires otherwise:

PEDDLER — any person who shall engage in peddling or soliciting.

PEDDLING or SOLICITING — engaging in the peddling, canvassing, soliciting, hawking, vending, taking of orders, selling or offering for sale of any commercial services, goods, wares, merchandise, printed matter or food products by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township.

(Ord. 203A, 11/18/2003, §1.202)

§13-203. Posting.

Any person, firm or corporation who is the owner or lawful occupant of private property within East Rockhill Township may prohibit the practice of going in or upon the private property of such owner or occupant by peddlers by posting upon such property a sign which reads "No Peddling or Soliciting" in a location which is reasonably visible to persons who intend to enter upon such property.

(Ord. 203A, 11/18/2003, §1.203)

§13-204. Prohibition Against Entering upon Posted Property.

Any and all peddlers are prohibited from entering upon any property that is posted with a “No Peddling or Soliciting” sign and may be prosecuted for trespassing.

(Ord. 203A, 11/18/2003, §1.204)

§13-205. Conduct of Peddlers.

Every peddler shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

- A. The peddler shall carry official identification, such as a driver’s license, upon his or her person at all times and shall exhibit it upon request of any person to whom the peddler is attempting to peddle.
- B. The peddler shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request.
- C. The peddler shall only engage in peddling or soliciting within the Township on Monday through Saturday during daylight hours. No peddling shall be allowed on Sundays or on any state or federal legal holidays.
- D. The peddler shall not call out or shout to sell his or her services or goods, nor shall the peddler use any loudspeaker or horn or other device for announcing his or her presence by which the public is annoyed.
- E. The peddler shall not occupy any fixed location upon or along any of the streets, alleys or sidewalks of the Township for the purpose of peddling or soliciting, with or without any stand, counter or cart.
- F. The peddler shall not peddle in any Township park without first acquiring a permit from the Township’s Zoning Officer.
- G. The peddler shall not park any vehicle upon or along any of the streets, alleys or sidewalks of the Township for the purpose of sorting, rearranging or cleaning any of his or her goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs that have become unsalable through handling, age or otherwise.

(Ord. 203A, 11/18/2003, §1.205)

§13-206. Licensing of Commercial Peddlers.

1. Any person or organization desiring to engage in peddling within East Rockhill Township must first make application to the Pennridge Regional Police Department for a license. The Police Department may require such information as the Chief of Police deems appropriate, including but not limited to fingerprinting, photograph, prior criminal record, name of employer and type of solicitation being made to the public.
2. Every person intending to peddle within East Rockhill Township shall be required to file an application and obtain a license. No license issued under this Part shall be transferable from one person to another, and there shall be a three- to five-day waiting period between application and issuance of license.
3. All fees for peddling licenses shall be set by separate resolution of the East Rockhill Township Board of Supervisors.
4. All licenses issued by the Pennridge Regional Police Department shall be exhibited in clear view by the person soliciting at all times, and they shall not be altered or used by any other person except the applicant and licensee.

(Ord. 203A, 11/18/2003, §I.206)

§13-207. Exemptions for Noncommercial Peddlers.

1. Persons or organizations engaged in door-to-door canvassing on religious or political subjects or distributing religious or political handbills shall be exempt from the license requirements of this Part. All such persons, however, shall carry official identification, such as a driver's license, upon his or her person at all times and shall exhibit it upon request of any person to whom the peddler is attempting to solicit.
2. The application, license and fee requirements may be waived by the Township for persons soliciting or peddling on behalf of organizations of purely public charities, such as local churches, scout troops, civic and service organizations, fire companies, athletic organizations and the like; provided, however, that any such group notifies the Chief of Police in writing in advance of any such solicitation setting forth the dates of solicitation within the Township.

(Ord. 203A, 11/18/2003, §I.207)

§13-208. License Suspension or Revocation.

The Chief of Police is hereby authorized to suspend or revoke any license issued under this Part for any violation of any of the provisions of this Part or for giving false information upon any application for license. The Chief of Police is further authorized to re-

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fuse a license to any person with a prior criminal record and to any other person who would present a threat of harm or danger to the citizens of East Rockhill Township.

(Ord. 203A, 11/18/2003, §1.208)

§13-209. Violations and Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation.

(Ord. 203A, 11/18/2003, §1.209)

PART 3

LICENSING OF JUNK DEALERS

§13-301. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated:

JUNK — discarded material or articles such as are not ordinarily disposed of as rubbish or refuse, and shall include but not be limited to scrap metal and scrap motor vehicles, and shall not include any garbage or other organic waste or any paper, rubbish, rags, or other inflammable article or material.

JUNK DEALER — any person, as hereinafter defined, who shall engage in the business of selling, buying and dealing in junk; or who stores five or more motor vehicles on his land for the purpose of selling used parts therefrom or otherwise disposing of same.

PERSON — any natural person, partnership, firm or corporation.

2. In this Part, the singular shall include the plural, and the masculine shall include the feminine and neuter.

(Ord. 7, 3/7/1961, §1)

§13-302. License Required.

No person shall engage in business as a junk dealer in the Township of East Rockhill without first having obtained a license from the Township Supervisors, for which the license fee shall be in an amount as established, from time to time, by resolution of the Township Supervisors for each and every calendar year, such fee to be for the use of the Township. Such license shall be renewed annually on or before January 1 of each year; provided, in any case where a junk dealer's business shall be established in the Township on or after the first day of July in any the year, the license fee payable by such junk dealer for the remainder of such year shall be 1/2 of the yearly rate.

(Ord. 7, 3/7/1961, §2; as amended by Ord. 192, 4/18/2000)

§13-303. Issuance of License.

The license provided for in §13-302 of this Part shall be issued by the Board of Supervisors after application shall have been made therefor by the person desiring to be licensed. The application shall be on a form prescribed by the Board of Supervisors. The license shall state the name of the person to whom such license is issued and the premises from which such business is to be conducted. The license shall be posted conspicuously.

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ously upon the premises licensed thereunder. The name of the licensed junk dealer and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer.

(Ord. 7, 3/17/1961, §3)

§13-304. More than Two Places of Business Prohibited.

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township for the purpose of buying, selling and dealing in junk; nor shall any such person engage in business as a junk dealer in any place other than the place designated on his license; nor shall any such person, or any other person, operate upon any of the streets or roads of the Township, whether from a vehicle or on foot, as a scavenger or itinerant buyer or seller of junk.

(Ord. 7, 3/7/1961, §4)

§13-305. Transferring of License.

No license issued under this Part shall be transferable from one person to another, except when the ownership of a licensed premises shall change; in any such case, the new owner shall apply for a transfer of the license to him and shall pay a transfer fee in an amount as established, from time to time, by resolution of the Board of Supervisors.

(Ord. 7, 3/7/1961, §5; as amended by Ord. 192, 4/18/2000)

§13-306. Mandatory Retention Period.

Every junk dealer licensed under this Part shall keep and maintain upon the licensed premises for a period of 48 hours after the purchase or receipt thereof all junk purchased or received by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

(Ord. 7, 3/7/1961, §6)

§13-307. Maintenance of Premises.

Every junk dealer licensed under this Part shall constantly maintain the licensed premises in a manner prescribed by this section as follows:

- A. Such premises at all times shall be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or as a place for the breeding or rodents or vermin.

- B. No garbage or other organic waste and no paper, rubbish, rags or other flammable materials shall be stored in such premises.
- C. No trash, rubbish or other flammable articles or materials shall be burned on such premises.
- D. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom, and none shall be permitted to remain upon the premises.
- E. No junkyard licensed under this Part shall exceed three acres in size.
- F. Any junk stored by a person licensed under this Part shall be stored at least 100 feet from the right-of-way of any street, road or highway in the Township and at least 25 feet from all other boundary lines of the property.
- G. The manner of storage and arrangement of junk shall be such as to facilitate access for firefighting purposes.
- H. The premises licensed under this Part shall be graded so as to facilitate the drainage of water and to prevent the accumulation of stagnant water upon the premises.
- I. All grass and weeds shall be kept trimmed to a height of not more than three inches.
- J. Any premises licensed under this Part shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on Sundays or on any other day of the week before 7:00 a.m. and after 6:00 p.m.

(Ord. 7, 3/7/1961, §7)

§13-308. Public Liability Insurance.

The premises licensed under this Part shall at all times be covered by public liability insurance for personal injuries and property damage. The minimum extent of such coverage shall be \$10,000 for each person injured and/or each item of property damaged. A copy of such insurance policy shall be delivered to the Board of Supervisors at the time of its issuance or renewal.

(Ord. 7, 3/7/1961, §8)

§13-309. Revocation or Suspension of License.

The Board of Supervisors may, in its discretion, revoke or suspend any license issued by the authority of this Part for violations of the provisions hereof, without liability to reimburse the holder of such license for all or any of the license fee for the unexpired portion of the term or for the period of suspension. The powers granted by this section shall be in addition to and supplementary of the remaining enforcement provisions as hereafter provided.

(Ord. 7, 3/7/1961, §9)

§13-310. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 7, 3/7/1961, §10; as amended by Ord. 192, 4/18/2000)

§13-311. Equitable Remedies.

1. A majority of the Board of Supervisors may, upon the complaint of any person or on their own motion, investigate conditions on any property used for the storage of junk, whether or not such premises is licensed under this Part. If the majority of Supervisors, after such investigation, shall determine that the conditions on such premises constitute a nuisance injurious to the health, safety or morals of the Township, the Board of Supervisors shall have the following options:
 - A. Give notice to the owner to voluntarily abate the nuisance within a period of not less than 48 hours nor in excess of five days, failing which the Township, or its nominee, may enter upon the premises and correct the conditions found thereon. The cost of removal shall be borne by the owner of the premises and may be collected by way of summary proceedings brought in the name of the Township.
 - B. Any person charged with maintaining a nuisance under this section, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offense under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of

this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

- C. The Board of Supervisors may institute an action in equity in a court of competent jurisdiction to cause the owner of the premises to abate such a nuisance.
- 2. The remedies available to the Township under this section are declared to be cumulative in nature and not exclusive of each other.

(Ord. 7, 3/17/1961, §11; as amended by Ord. 192, 4/18/2000)

PART 4

ALTERNATIVE ENERGY SYSTEMS

§13-401. Purpose.

The purpose of this Part is to promote the use of alternative energy resources and to provide for the land development, installation and construction regulations for alternative energy systems in the Township of East Rockhill subject to reasonable conditions that will protect the public health, safety and welfare.

(Ord. 260, 1/18/2011)

§13-402. Scope and Applicability.

1. This Part applies to the alternative energy systems described herein to be installed and constructed after the effective date of this Part and all applications for such alternative energy systems on existing structures or property. Alternative energy systems constructed prior to the effective date of this Part shall not be required to meet the requirements of this Part, unless otherwise stated herein, provided that any structural change, upgrade or modification to an existing alternative energy system that materially alters the size or placement of the existing alternative energy system shall comply with the provisions of this Part.
2. Alternative energy systems may be erected, altered, maintained, used, or moved within the Township only when in accordance with the provisions of these regulations and any other applicable Township ordinances and regulations.
3. No person shall install, construct, or modify an alternative energy system without first obtaining from the Township the necessary permits and after paying the requisite fees.
4. All alternative energy systems shall primarily serve on-site energy needs, unless otherwise approved by the East Rockhill Township Board of Supervisors.
5. All alternative energy systems shall be considered accessory uses to the principal use on the property.
6. Applications for alternative energy systems shall also comply with all applicable East Rockhill Township Zoning and/or Subdivision and Land Development Ordinance regulations.

§13-403. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

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ALTERNATIVE ENERGY SYSTEM — a ground-source heat pump, wind energy system, solar energy system, and/or outdoor solid-fuel-burning appliance.

BUILDING-INTEGRATED WIND ENERGY FACILITY — a wind energy system facility designed to be permanently mounted on a building or other inhabitable structure, including wind turbines of any rated nameplate capacity designed to be operated in direct contact with a building. Other wind energy system facilities primarily used for land-based applications which may be permanently mounted and operated on a building are also included in this definition.

CHIMNEY — any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor solid-fuel-burning appliance.

CLEAN WOOD — wood that does not have paint, stains, or other types of coatings, and wood that has not been treated with substances, including but not limited to copper arsenate, creosote, or pentachlorophenol, and wood pellets made from clean wood.

CLOSED-LOOP GROUND-SOURCE HEAT PUMP SYSTEM — a system that circulates an approved heat transfer fluid through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

DOMESTIC WATER USE — water for household purposes, such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and gardens; also called “residential water use.” The water may be obtained from a public supply or may be self-supplied.

EPA OWHH PHASE 2 PROGRAM QUALIFIED MODEL — an outdoor solid-fuel-burning appliance that has been EPA OWHH Phase 2 Program qualified. The model has met the EPA OWHH Phase 2 Program particulate matter emission limits and is identified with the proper qualifying label and identification.

GROUND-SOURCE HEAT PUMP SYSTEM — (also known as “geothermal energy system”) — a system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include closed loops of pipe, coils or plates; an approved fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air-distribution system. Open-loop ground-source heat pump systems are not permitted in East Rockhill Township.

HEAT TRANSFER FLUID — A Township-approved, nontoxic and food-grade fluid such as potable water or other fluid approved by the Township for use in an outdoor solid-fuel-burning appliance.

HORIZONTAL GROUND-SOURCE HEAT PUMP SYSTEM — A closed-loop ground-source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than 20 feet below the land surface.

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.

OPEN-LOOP GROUND-SOURCE HEAT PUMP SYSTEM — A system that uses groundwater as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well. Open-loop ground-source heat pump systems are not permitted in East Rockhill Township.

OUTDOOR SOLID-FUEL-BURNING APPLIANCE [also known as “outdoor wood-fired hydronic heaters (OWHH),” “outdoor wood boilers (OWB)” or “water stoves,” etc.] — any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situate within a building intended for habitation by humans or domestic animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system, or component thereof, which provides heat or hot water to the principal structure on the property, to a structure used for human or animal habitation on the property, or to any accessory uses or structures, including but not limited to greenhouses, conservatories and swimming pools located on the property.

SHADOW FLICKER — the visible flicker effect from a wind energy system when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

SOLAR COLLECTOR — a device or combination of devices, structure(s), or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure’s energy supply.

SOLAR ENERGY — radiant energy (direct, diffuse, and/or reflected) received from the sun.

SOLAR ENERGY SYSTEM — any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity.

SOLAR PANEL — a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy, heat water, or produce hot air or perform any other similar function by way of a solar energy system.

TURBINE HEIGHT — the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

TURBINE ROTOR — a structure which contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually

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located on a tower and, along with other generating and electrical storage equipment, forms the wind energy system facility.

VERTICAL GROUND-SOURCE HEAT PUMP SYSTEM — a closed-loop ground-source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

WIND ENERGY SYSTEM — an electric-generating system, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, metrological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

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.

(Ord. 260, 1/18/2011)

§13-404. Solar Energy Systems.

Solar energy systems include any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity generation primarily for the structure(s) located on the property wherein the solar energy system is located. Solar energy systems shall not be the primary use of the property. Solar energy systems may be mounted on a building as a roof array or on the ground. Solar energy systems may include solar panels which, for purposes of this section, are structures containing one or more receptive cells, the purpose of which is to convert solar energy into usable energy by way of a solar energy system. The following requirements shall apply, as applicable, to solar energy systems:

- A. No person shall install, construct, place and/or replace a solar energy system within East Rockhill Township without first applying for and receiving the appropriate permit from the Township and paying the requisite permit fee in full. No permit for such a solar energy system shall be issued until the plans and specifications have been approved by the Code Enforcement Officer and/or Township Engineer in accordance with this Part and all other requisite approvals needed under the Township Code of Ordinances have been secured.
- B. The solar energy system shall comply with the applicable area and dimensional regulations of the zoning district in which the solar energy system is installed if not otherwise specifically set forth herein.
- C. No adjacent property owner shall be required to remove or cut any plant, bush, crop, or tree, nor shall any solar energy system be located so that any reflection is directed toward an adjoining property.

D. Ground Arrays. Solar panels shall be permitted as ground arrays in accordance with the following:

- (1) Ground array solar panels shall be subject to a seventy-five-foot setback from any property line, provided that no solar panel shall be located closer to the property line than 1.1 times the height of the solar panel.
- (2) Ground arrays shall not be permitted in a front yard.
- (3) Ground arrays shall be located and angled so that any reflection is directed away or is properly buffered from an adjoining property.
- (4) The highest point of a ground array structure shall not exceed a height of 20 feet.

E. Roof Mounts. Roof-mounted solar panels subject to the provisions of this section are permitted in accordance with the following:

- (1) Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
 - (a) Any roof-mounted solar panels that are not integrated and/or separate flush-mounted shall comply with the following additional requirements and restrictions:
 - [1] Such other roof-mounted solar panels shall only be located on a rear- or side-facing roof, as viewed from any adjacent street.
 - [2] Such other roof-mounted solar panels shall not exceed a height of three feet from the rooftop at any point. Solar panels installed on a building or structure with a sloped roof shall not project vertically above the peak of the roof to which they are attached or project vertically more than three feet above a flat roof installation.
 - [3] The applicant shall demonstrate to the satisfaction of the Township that the proposed use of roof-mounted solar panels is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Board of Supervisors and may be reviewed by any other Township professional that the Board of Supervisors deems necessary.

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- (2) No roof-mounted array shall exceed 35 feet in height, or the maximum height requirement of the zoning district wherein it is located, whichever is more restrictive.
 - (3) All roof installations shall require a structural analysis of the roof to certify the structural integrity of the roof for the proposed installation.
- F. The installation of a solar energy system shall conform to the Pennsylvania Uniform Construction Code, as amended, and to all other applicable regulations and industry standards, including those of the American National Standards Institute. Manufacturer's data and certificates of design compliance shall be submitted with the permit application and plan.
- G. All wiring shall comply with the applicable version of the National Electrical Code (NEC), as amended. The local utility provider shall be contacted by the owner of the subject property to determine grid interconnection and net metering policies.
- H. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
- I. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment.
- J. Mechanical equipment associated with and necessary for the operation of the solar energy system shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery and trees acceptable to the Township and/or Township Engineer and arranged in an informal manner.
- K. All solar energy system operators and owners must comply with any and all federal, state, and local regulations pertaining to solar energy and its collection for personal use.
- L. If any of the requirements herein conflict with federal and/or state requirements, then the federal and/or state requirements shall govern, unless the requirements of this Part are more stringent, in which case this Part shall govern.
- M. This Part applies to solar energy systems to be installed and constructed after the effective date of this part and all applications for solar energy systems on existing structures or property. Solar energy systems constructed prior to the effective date of this Part shall not be required to meet the requirements of this Part; provided, however, that any structural change, upgrade or modification to an existing solar energy system that materially al-

ters the size or placement of the existing solar energy system shall comply with the provisions of this section.

- N. All solar energy system contractors applying for permits must submit proof of appropriate insurance in a manner, form and amount acceptable to the Township.

(Ord. 260, 1/18/2011)

§13-405. Wind Energy Systems.

1. No person shall install, construct, place and/or replace a wind energy system within East Rockhill Township without first applying for and receiving the appropriate permit from the Township and paying the requisite permit fee in full. No permit for such a wind energy system shall be issued until the plans and specifications have been approved by the Code Enforcement Officer and/or Township Engineer in accordance with this Part and all other requisite approvals needed under the Township Code of Ordinances have been secured.
2. There shall be a maximum of one wind energy system on a single parcel of property.
3. Wind energy systems shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 1.1 times the overall height of the wind energy system, whichever is greater.
4. Wind energy systems shall not be located less than 100 feet from overhead utility and/or transmission lines.
5. Wind energy systems shall not be located less than 300 feet from a street right-of-way line.
6. Wind energy systems shall not be located less than 300 feet from a neighboring off-site dwelling unit and/or structure.
7. In no case shall a wind energy system be located within a front yard or within the minimum required side and/or rear yards for the zoning district wherein it is located as required by the Township Zoning Ordinance.¹
8. The maximum height of all wind energy systems, including all moving and rotating parts, shall be 65 feet, measured from the undisturbed ground elevation at the base of the device to the highest point of the arc of the blade or to the top of the tower, whichever is greater, unless a greater restriction is imposed by FAA regulations.

¹ Editor's Note: See Ch. 27, Zoning.

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9. The maximum wind energy system blade diameter shall be 30 feet.
10. The minimum distance between the undisturbed ground at the base of the wind energy system and any protruding blade shall be 15 feet, as measured at the lowest point of arc of the blades.
11. The operation of a wind energy system shall comply with all nuisance, noise and/or other applicable regulations of the Code of Ordinances of East Rockhill Township.
12. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 150 square feet in area, shall not exceed eight feet in height, must not be located in any required front, side and/or rear yards under the Township Zoning Ordinance and shall be screened with plantings acceptable to the Township and/or Township Engineer, and such plantings shall be arranged in an informal manner.
13. Wind turbines shall be a nonobtrusive, nonreflective color, such as white, off-white or gray in order to blend the system into the natural setting and existing environment.
14. The owner of the wind energy system shall comply with all noise regulations of the Township and make every effort possible to prevent shadow flicker to any occupied building on a nonparticipating landowner's property. Shadow flicker at any occupied building on any adjacent property caused by a wind energy system located within 1,000 feet of the occupied building shall not exceed 30 hours per year.
 - A. Noise and/or shadow flicker provisions may be waived if the following conditions are met:
 - (1) Property owners may waive the noise and/or shadow flicker provisions of this Part by signing a waiver of their rights. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
 - (2) The written waiver shall notify applicable property owner(s) of the noise and/or flicker limits required by this Part, describe how the wind energy system is not in compliance, and state that consent is granted for such noncompliance.
 - (3) Any such waiver shall be signed by the applicant and the adjacent landowner(s) and recorded in the Bucks County Recorder of Deeds' office.
15. Operation of a wind energy system shall comply with all other applicable ordinances of the East Rockhill Township Code of Ordinances.

16. The use of the wind energy system shall not interfere with the reception of any radio, television or other communication equipment and shall also not inhibit solar access to adjacent properties; and the owner of the wind energy system shall be required to mitigate any such interference caused by the operation of the wind energy system.
17. The applicant shall demonstrate that any noise emanating from the wind energy system complies with all Township noise regulations set forth within the East Rockhill Township Code of Ordinances, unless the requisite waiver is received.
18. No artificial lighting (unless required by the Federal Aviation Administration), signage (with the exception of warning signage at the base of the tower), or any forms of advertising shall be utilized or attached to the wind energy system.
19. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall not provide steps or a ladder readily accessible to the public for a minimum height of 15 feet above the ground surface. All wind energy systems and associated buildings shall be enclosed by a fence, of a type and manner acceptable to the Township, at least four feet in height and located at least five feet from the base. All access doors and gates shall be locked to prevent entry by nonauthorized persons.
20. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
21. Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along guy wires up to a height of 10 feet from the ground.
22. All 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. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
23. All proposed wind energy systems, whether freestanding or attached to another structure, shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, shall be submitted with applications for approval. If an attached system is proposed, these engineering studies shall demonstrate to the satisfaction of the Township that the wind energy system shall not compromise the structural integrity of the building to which it is attached.
24. Landscaping acceptable to the Township and/or Township Engineer shall be required to help screen the wind energy system and related features.

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25. Design and location of a wind energy system shall consider, to the greatest extent possible, the aesthetics of the surrounding environment. In no case shall a device be attached to a structure listed on any Registry of Historic Structures. The Township may require submission of illustrations and photos depicting the color, size, shape, and architectural features of the proposed wind energy system, together with a submission of color photographs of the proposed tower location taken from view of all adjoining properties and roads.
26. All electrical wiring and/or utility and transmission lines, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing utility company and the Township.
27. A wind energy system, including the tower, shall comply with all applicable state construction and electrical codes, the Pennsylvania Uniform Construction Code ("UCC") and the National Electrical Code, as amended. Prior to issuance of a permit for the installation of the wind energy system, the applicant must submit to the Township all documentation required by the Township Building Code Official to verify that the design of the device complies with the UCC, including but not limited to documentation of the structural integrity of the foundation, base, tower, and all appurtenant structures and the electrical design. Design information must be certified by a licensed professional engineer in the Commonwealth of Pennsylvania and/or the equipment manufacturer.

(Ord. 260, 1/18/2011)

§13-406. Geothermal Energy Systems.

Geothermal energy systems or ground-source heat pump systems (GSHP) are grouped into two types: closed-loop and open-loop systems. The closed-loop systems circulate a fluid through a subsurface loop of pipe and then to the heat pump. Open-loop systems circulate groundwater to the heat pump and then discharge it. Closed-loop systems are permitted within East Rockhill Township with the appropriate permit. Open-loop systems are not permitted in East Rockhill Township.

- A. No person shall: (1) construct or install a GSHP; (2) dig, bore, drill, replace, modify, repair and/or destroy a well that is, is intended to be, or was part of a GSHP; or (3) make any other excavation that may intersect groundwater without first applying for and obtaining the appropriate permit from the Township and paying the requisite permit fee in full. A permit is required for any GSHP within East Rockhill Township. Only closed-loop systems are permitted within East Rockhill Township. No open-loop system shall be permitted within East Rockhill Township. Application for a permit for the drilling of a well and/or the installation and/or construction of a GSHP shall be made to the Township Code Enforcement Officer. No permit for such a well and/or GSHP shall be issued until the plans and specifications have

been approved by the Code Enforcement Officer and/or Township Engineer in accordance with this Part and all other requisite approvals needed under the Township Code of Ordinances have been secured. A site plan shall be submitted with the application for a GSHP and shall include the following:

- (1) Type of GSHP being proposed.
 - (2) Type of piping and fluid proposed for the GSHP.
 - (3) Type of grouting used for the GSHP.
 - (4) Location and catalog of all trees within 25 feet of the proposed GSHP.
 - (5) Location of all municipal and private stormwater facilities within 500 feet of the proposed GSHP.
 - (6) Location and type of all underground utilities, and all above-ground utilities, with clearance to overhead obstructions within 25 feet of the proposed GSHP.
 - (7) Location of all existing and proposed water supply wells and septic systems within 200 feet of the proposed GSHP.
 - (8) Location of all other existing and proposed GSHPs and distances to the buildings being served.
 - (9) Statement of the method to protect curbs, sidewalks, and driveways during construction of the GSHP, as applicable.
 - (10) For existing developed sites, statement of the proposed method of entry and exit from the site for drilling equipment, and a plan to prevent soil/dirt from getting onto Township roads and/or a plan to remove such soil/dirt.
 - (11) Location of any surface water body, including wetland, watercourse, or pond within 100 feet of the proposed GSHP.
 - (12) Location of all natural resources and other protected land within 25 feet of the proposed GSHP, including but not limited to required open space, steep slopes, floodplains, woodlands and wetlands.
- B. GSHP systems shall be designed and constructed in accordance with the International Ground Source Heat Pump Association (IGSHPA) Installation Standards, as amended, and found at Section 6.3, References, of the Ground Source Heat Pump Manual of the Pennsylvania Department of Environmental Protection, as amended.

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- C. The perimeter of the GSHP subsurface loops shall meet the following minimum isolation requirements:
- (1) One hundred feet from any existing or proposed drinking water wells.
 - (2) Twenty-five feet from any existing or proposed individual or community on-lot sewage disposal system, including any primary or alternate drainfield sites.
 - (3) Twenty-five feet from property lines and rights-of-way.
 - (4) Twenty-five feet from existing or proposed structures.
- D. The subsurface loop of the GSHP system must comply with the following:
- (1) The subsurface loop piping must be made of polyethylene or a similar substitute material approved by the Township. All joints shall be sealed by heat fusion or IGSHPA-certified process.
 - (2) GSHP systems shall be equipped with an automatic shutdown device to prevent circulating fluids or oil leaks from migrating.
 - (3) Visual and audible alarms shall be installed in the building or structure in the event of a system malfunction or leakage.
 - (4) Warning labels shall be prominently posted near the interior mechanical system.
 - (5) Only water or a mixture of water and food-grade propylene glycol that is specifically approved by the Township may be used as the circulating fluid within the GSHP.
- E. A written plan shall be submitted to the Township and provide for the operation and periodic inspection of the GSHP system and should include:
- (1) Provisions for any GSHP system leaks or releases to be reported by the owner to the Township and local Police Department within two hours of the discovery, and the owner shall covenant and agree to take all necessary action to minimize any fluid release to the ground and to promptly repair any system leaks.
 - (2) A system closure plan for use in the event of the discontinuance of the use of the GSHP system.
- F. The installation specifications and drawings for the GSHP system shall be submitted to and reviewed by the Code Enforcement Officer and/or Township Engineer.

- G. GSHP well drilling shall only be undertaken by a Pennsylvania-licensed well driller.
- H. Wells shall be grouted to protect against degradation or contamination of the groundwater or intermingling of separate aquifers in accordance with the procedures recommended by the IGSHPA.
- I. Prior to activation of a GSHP system, the Pennsylvania-licensed well driller and/or system installer shall provide to the Township:
 - (1) An accurate written drilling record and a written geologic log.
 - (2) An accurate record of the grouting used for each well.
 - (3) As-built plans and related documentation for each system and well location.
 - (4) Written documentation of the GSHP system testing and certification.
- J. The depth of the tubing or heat transfer element must be at least 30 inches below the surface of the ground.
- K. Ground-source heat pump systems shall not encroach on public drainage and/or stormwater, utility, roadway or trail easements.
- L. The GSHP shall be properly maintained in accordance with manufacturer's specifications, the installer's specifications, and any applicable federal, state and local laws. The owner of the GSHP shall submit an annual inspection report certifying the integrity of the system.

(Ord. 260, 1/18/2011)

§13-407. Outdoor Solid-Fuel-Burning Appliances.

- 1. Any person desiring to install an outdoor solid-fuel-burning appliance within East Rockhill Township shall be required to obtain the requisite permit from the Township and shall pay the requisite fee. The permit application shall be signed by all owners of the property on which the outdoor solid-fuel-burning appliance will be located and the contractor installing the appliance. No permit for such an outdoor solid-fuel-burning appliance shall be issued until the plans and specifications have been approved by the Code Enforcement Officer and/or Township Engineer in accordance with this Part and all other requisite approvals needed under the Township Code of Ordinances have been secured.
- 2. The requirements set forth in this section do not apply to the following:

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- A. Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances; and/or
 - B. Burning in a stove, furnace, fireplace or other heating device located within a building or structure used for human habitation.
3. Unless specific written approval has been obtained from the Township and Pennsylvania Department of Environmental Protection (PADEP), the following materials may not be burned in an outdoor solid-fuel-burning appliance (appliance) under any circumstances:
- A. Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction and demolition debris or other household or business wastes.
 - B. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to applicable PADEP regulations.
 - C. Asphalt and products containing asphalt.
 - D. Treated or painted wood, including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives, or any other wood that does not meet the definition of "clean wood."
 - E. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
 - F. Rubber, including tires and synthetic rubber-like products.
 - G. Any material that is not recommended for burning by the manufacturer of the appliance.
 - H. Newspaper, cardboard, particleboard or any paper with ink or dye products.
 - I. Lawn clippings or yard waste.
 - J. Any hazardous waste.
 - K. Coal.
 - L. Manure.
 - M. Waste petroleum products.

4. Fuel burned in any new or existing outdoor solid-fuel-burning appliance shall only be clean wood, natural untreated wood, wood pellets from clean wood, approved corn products, approved biomass pellets or other fuels specifically permitted by the Township and the manufacturer's instructions.
5. No person shall install an outdoor solid-fuel-burning appliance that is not an EPA OWHH Phase 2 Program qualified appliance.
6. No outdoor solid-fuel-burning appliance shall be located on a lot consisting of less than one acre.
7. No outdoor solid-fuel-burning appliance shall be located less than 150 feet from any property and/or lot line.
8. No outdoor solid-fuel-burning appliance shall be located less than 200 feet from any occupied structure not located on the lot on which the appliance will be located.
9. The applicant shall provide documentation confirming that the manufacturer certifies that the proposed chimney height is safe and appropriate for the proposed use and location. The maximum height of the outdoor solid-fuel-burning appliance stack or chimney shall not exceed the maximum height requirement in the specific zoning district wherein the appliance is located.
 - A. For new outdoor solid-fuel-burning appliances, no person shall install such an appliance unless it has a permanently attached chimney with a minimum chimney height of 10 feet above the ground and at least two feet above the highest peak of any residence located less than 150 feet from the appliance, unless otherwise restricted by the manufacturer's certification and/or approved by the Township.
 - B. For existing outdoor solid-fuel-burning appliances that have been the subject of a complaint and/or violate the Township's nuisance regulations relating to smoke and/or odors, no person shall continue to use or operate such an appliance until such nuisance has been resolved and unless it has a permanent attached chimney with a minimum chimney height of 10 feet above the ground and at least two feet above the highest peak of any residence located less than 500 feet from the appliance, unless otherwise restricted by the manufacturer's certification and/or approved by the Township.
10. No person shall use or operate a new or existing appliance unless it complies with all existing federal, state and local regulations, as applicable, including but not limited to the following:
 - A. 25 Pa. Code § 121.7, as amended, prohibition of air pollution.
 - B. 25 Pa. Code § 123.1, as amended, fugitive emissions.
 - C. 25 Pa. Code § 123.31, as amended, odor emissions.

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- D. 25 Pa. Code § 123.41, as amended, visible emissions.
 - E. Section 8 of the APCA, 35 P.S. § 4008, as amended, Unlawful conduct.
 - F. Section 13 of the APCA, 35 P.S. § 4013, as amended, public nuisances.
11. All appliances shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and guidelines for the appliance. In the event that a conflict arises between the manufacturer's instructions and regulations, and the regulations contained in this Part, the stricter instructions and/or regulations shall apply.
 12. All ashes or waste may be disbursed on the property where the appliance is located unless otherwise prohibited by law. Any large accumulation of ashes or waste must be disposed of in a manner approved by the Township of East Rockhill and the Pennsylvania Department of Environmental Protection.
 13. All appliances shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure, including residential swimming pools, located on the property wherein the appliance is located.
 14. Outdoor solid-fuel-burning appliances shall be operated only between September 1 and May 1 each year, unless otherwise approved by the Township.
 15. Spark Arrestors. All outdoor solid-fuel-burning appliances shall be equipped with properly functioning spark arrestors.
 16. Catalytic Converter. All outdoor solid-fuel-burning appliances installed within East Rockhill Township must be equipped with a properly functioning catalytic converter, unless otherwise approved by the Township.
 17. Installation of any electrical or plumbing apparatus or device used in connection with the operation of an appliance shall be in conformity with all applicable electrical and plumbing codes and, in the absence of such code, in conformity with the manufacturer's installation specifications.
 18. Standards for installation of an appliance shall also require the outdoor solid-fuel-burning appliance to be installed upon a nominal six-inch-thick permanent, reinforced cement pad in such dimension so as to allow a minimum of six inches of exposed surface area along the perimeter of the pad.
 19. All stacks or chimneys must be constructed to withstand high winds or other related elements, as deemed necessary by the Township.
 20. The use of lighter fluids, gasoline or chemicals to start the appliance is prohibited.

21. The appliance shall be located on a property with due consideration to prevailing wind conditions.
22. Any outdoor solid-fuel-burning appliance in existence on the effective date of this Part shall be permitted to remain, provided that the owner complies with the regulations provided for in this Part under § 13-407, Subsections 3, 4, 9, 10, 12, 13, 14, 15, 16, 17 and 20.
23. Any resident who has secured a permit to install an outdoor solid-fuel-burning appliance, in so doing will also be agreeing to allow the Township Code Enforcement Officer or any other person designated by the Township to inspect the appliance if a written complaint is filed relative to a violation of this Part.
24. The Township reserves the right to suspend the use of all outdoor solid-fuel-burning appliances if weather conditions warrant, based upon air quality warnings which may be issued by monitoring agencies.
25. A permit issued pursuant to this Part and the use of the outdoor solid-fuel-burning appliance may be suspended if any of the following conditions occur and/or as the Code Enforcement Officer or other person appointed by the Board of Supervisors to administer and enforce this Part deems necessary to protect the public health, safety and welfare of the residents of East Rockhill Township:
 - A. Malodorous air contaminants from the appliance are detectable outside the property of the person on whose land the appliance is located.
 - B. The emissions from the appliance interfere with the reasonable enjoyment of life on neighboring property.
 - C. The emissions from the appliance caused damage to vegetation on neighboring property.
 - D. The emissions from the appliance are harmful to human or animal health.
 - E. The burning of any material prohibited within this Part.
 - F. Any other violation of this Part.
26. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Part and subject the property owner to the penalties provided within this Part.
27. If an outdoor solid-fuel-burning appliance is replaced or upgraded, a permit shall be required pursuant to this Part.

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28. Outdoor solid-fuel-burning appliances shall be screened with plantings acceptable to the Township and/or Township Engineer, and such plantings shall be arranged in an informal manner.

(Ord. 260, 1/18/2011)

§13-408. Abandonment and/or Decommissioning of Alternative Energy System.

1. If an alternative energy system remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned and constitute a public nuisance and shall thereafter be removed by the property owner.
2. The alternative energy system owner, at his/her sole expense, shall complete decommissioning of the system within six months after the end of the useful life of the system, or within six months of damage which prevents the system from operating in a safe manner at full capacity or according to industry standards.
3. The owner shall remove the abandoned and/or decommissioned system after a demolition or other requisite permit has been obtained from the Township. Removal includes the entire structure, including foundations to below natural grade, external mechanical equipment and transmission equipment.

(Ord. 260, 1/18/2011)

§13-409. Administration.

1. Permits. The appropriate permit shall be secured prior to the erection, structural repair, alteration and/or relocation of any alternative energy system within the Township. For purposes of obtaining a permit, the applicant shall make application in writing to the Township and shall submit the following information and documents to the Township, together with the additional specific requirements of each alternative energy system as set forth in this Part:
 - A. Name and address of the owner of the property wherein the alternative energy system is proposed and a detailed description of the type, make and model of the alternative energy system being proposed.
 - B. Name and address of the applicant.
 - C. A plot plan (1/8 inch per foot or greater) showing the location of the lot, building, and proposed alternative energy system in relation to each public right-of-way, building, property line, neighboring properties, and driveways. It shall also identify the lot area, location of existing natural and man-made features, ownership information for adjoining properties, setback measurements from property and street lines and any additional information deemed necessary by the Township.

- D. Construction plans, including all pertinent engineering data to the Township.
2. Inspection. The Building Inspector and/or Code Enforcement Officer, or other designated Township representative, shall require the proper maintenance and use of all alternative energy systems and will inspect every alternative energy system for which a permit is required within 10 days after work is completed on the alternative energy system.
3. Fees and Deposits. Permit fees and escrow deposit amounts, as required by the Township, shall be set by resolution of the Township Board of Supervisors. The applicant for an alternative energy system application requiring a review by the Township Engineer and/or other professional consultant of the Township shall be required to post an appropriate escrow deposit and enter into a professional services agreement with the Township.

(Ord. 260, 1/18/2011)

§13-410. Enforcement.

1. The Township Manager, or his/her designee, the Code Enforcement and/or Building Code Officer and/or local Police Department are authorized to enforce this Part.
2. If the Township Manager, or his/her designee, finds or learns that any provision of this Part has been violated, he/she shall provide notification in writing to the person responsible for the violation and the property owner, indicating the nature of the violation and ordering the action necessary to correct it.
3. If the violation is not corrected within the time specified in the written notification from the Township, the Township Manager, or his/her designee, may:
 - A. Order repairs or removal of any alternative energy system and its supporting structures deemed to be dangerous, in disrepair or in violation of this Part and/or order the violating individual(s) to cease all such alternative energy activities.
 - B. Revoke the applicable permits.
 - C. Seek penalties, fines and injunctive relief in accordance with the law.

(Ord. 260, 1/18/2011)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§13-411. Penalties.

Any person that violates any provision of this Part or any lawful order relating to this Part by the Township Manager, or his/her designee, shall be subject to a fine of not less than \$100 nor more than \$600 per violation. Each day that the violation continues is a separate violation. In the event that East Rockhill Township incurs any expense in the enforcement of this Part, including but not limited to court costs and attorneys' fees, the Township shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to East Rockhill Township. In addition to fines, judgments and/or costs set forth above, the Township reserves the right to pursue all other available remedies at law or in equity under the laws of the Commonwealth of Pennsylvania. Any person who has violated or permitted a violation of this Part shall be subject to having his/her permit suspended or revoked by the Township. Any person who has violated or permitted a violation of this Part shall also immediately cease all alternative energy system activities within the Township until otherwise permitted by the Township.

(Ord. 260, 1/18/2011)

§13-412. Appeals.

Any person aggrieved by a decision of the Township Manager, or his/her designee, under this Part may appeal the decision to the Township Board of Supervisors within 30 days of the date of the decision and/or order. The Township Board of Supervisors has the authority to interpret the provisions of this Part and to waive the standards included in this Part when a literal enforcement of the provisions of this Part would result in the unreasonable prohibition of alternative energy resources. The Pennsylvania Local Agency Law, as amended, shall govern such appeals and proceedings.

(Ord. 260, 1/18/2011)