

TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024 - 03

AN ORDINANCE OF THE TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE MAXATAWNY TOWNSHIP ZONING ORDINANCE OF 2012, AS AMENDED, BY ADDING, MODIFYING OR REVISING ARTICLE II-DEFINITIONS, AND BY MAKING COMPREHENSIVE CHANGES TO THE ZONING ORDINANCE, INCLUDING BUT NOT LIMITED TO: ADDITIONS, MODIFICATIONS AND REVISIONS TO ARTICLE IV-DISTRICT REGULATIONS, ARTICLE V-SUPPLEMENTARY REGULATIONS, ARTICLE VIII- ZONING HEARING BOARD, ARTICLE IX-CONDITIONAL USES, AND ARTICLE X- ALTERNATIVE ENERGY AND DOMESTIC ANIMALS

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Board of Supervisors of the Township of Maxatawny desires to amend the Maxatawny Township Zoning Ordinance of 2012, as amended, to add, modify and/or revise Article II-Definitions and to add, modify and/or revise Article IV- District Regulations, Article V- Supplementary Regulations, Article VIII- Zoning Hearing Board, Article IX- Conditional Uses, and Article X- Alternative Energy and Domestic Animals.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article II entitled "Definitions", Section 202 entitled "Specific Terms" is amended to add the following definitions:

Business: Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for remuneration or gain or the occupancy or use of a building or premise or any portion thereof for the transaction of business or the rendering or receiving of professional services. A no-impact home-based business shall not be considered a business.

Drive- See, "Access Drive".

Private Road- A legally established right-of-way, for a street, which provides primarily vehicular access.

Road- See, "Public Road or Private Road".

Solar Energy Field- See, Section 1001.7.

SECTION 2. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article II entitled "Definitions", Section 202 entitled "Specific Terms" is amended to modify the following existing definitions as follows:

Abut or Abutting- Areas of contiguous lots that share a common lot line, including lots entirely separated by a street. Abut or abutting includes any existing natural features on the lot. *See* definition of "adjacent".

Access Drive- A privately owned, hard surface, all weather, impervious, paved surfaced area designed and constructed to provide for vehicular movement between a public road and the off-street parking and/or loading for any use or uses other than one single-family dwelling unit or farm. A Private Road shall be considered an "Access Drive".

Driveway- A privately owned, improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm. A farm access way to an open farm field shall not be considered a driveway but must be constructed of non-erodible materials.

Impervious - Homogenous materials, such as buildings, paved parking areas, paved walks, terraces, including solid pavers, concrete, landscape walls, sidewalks, stone and similar surfaces which do not normally absorb rainfall.

Improvement (or Improved) - Any type of structure or paved section or concrete, sidewalks, stone.

Paving, or Pave, or Pavement - Hard impervious homogenous material such as concrete, asphalt, or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot.

Screen, Landscape- A year-round, completely planted visual barrier composed of evergreen shrubs and trees, arraigned to form both low-level screen between grade and to a specified height. Such barrier shall be of sufficient height and density to screen the view, in adjoining properties, of the structures and uses on the premises upon which the screen planting is located. *See* Section 517.

Screening- An assemblage of materials that are arraigned so as to block the ground level views between grade and a specified height. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation. *See* Section 517.

Street- A public (dedicated) or private (undedicated) right-of-way containing a

cartway, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The street cartway must be a hard impervious surface designed, and constructed per the township specifications. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, road and similar terms.

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

- (a) Structure, Accessory- A structure associated with an accessory use (e.g. swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.).
- (b) Structure, Principal - The primary building or structure or use conducted on a lot or parcel of land (e.g. building, sign, lighting, parking, curbs, etc.).

SECTION 3. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 400.11(a)(1)(D) is amended to read in its entirety as follows:

- D. The Township Planning Commission shall review, recommend, and keep track of all conservation easements.

SECTION 4. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 401.4(x) is amended to read as follows:

- (x) Solar Energy Field subject to Article X of this Ordinance.

SECTION 5. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 402.3(h) is amended to be deleted in its entirety and marked "reserved for future use."

SECTION 6. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 402.4 entitled "Condition Uses" is amended to add Section 402.4(o) to read as follows:

- (o) Solar Energy Field subject to the provisions of Article X of this Ordinance.

SECTION 7. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 405.1(b) is amended to be deleted in its entirety and marked "reserved for future use."

SECTION 8. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 406.4 entitled "Condition Uses" is amended to add Section 406.4(r) to read as follows:

- (r) Solar Energy Field subject to the provisions of Article X of this Ordinance.

SECTION 9. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 406.6(e) is amended to read as follows:

- (e) All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures.

SECTION 10. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 407.1(i) is amended to be deleted in its entirety and marked "reserved for future use."

SECTION 11. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 407.4 (kk) is amended to read as follows:

- (kk) Solar Energy Field subject to Article X of this Ordinance.

SECTION 12. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 407.6(c), (e), (i), (j) are amended to read as follows:

- (c) Performance Standards- All buildings or structures located in an industrial lot shall comply with the general performance standards for industrial districts pursuant to Section 501.10.
- (e) Additional Open Area Requirement- Where an industrial lot adjoins or abuts a residential or agricultural district an additional forty feet of yard shall be provided in addition to the herein minimum required yards on the rear or sides where the industrial site adjoins or abuts the residential or agricultural district. This area shall be kept open and maintained pursuant to paragraph (d) above.
- (i) Storm Drainage- Storm run-off and drainage systems shall be installed consistent with sound engineering practices, and shall first be approved by the Township Engineer. The designed construction of the system shall be such as to not only properly drain the site but also adequately dispose of all run-off and drainage from the industrial lot to an approved waterway.
- (j) Screening-
- (1) All lot lines abutting residential districts, along the side and rear yard, shall be appropriately screened by walls with plantings, or year-round planting and/or other suitable enclosures. See Section 517.
- (2) If trees, evergreens, hedges or other types of year-round plants are used, a landscape area shall be provided along the entire interior lot lines. See Section 517.

- (3) If existing trees, evergreens, hedges or other types of plants are in place, the landscape area shall be properly filled in with new plants to create a full screened wall. See, Section 517.

SECTION 13. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 408.4(r) is amended to read as follows:

- (r) Solar Energy Field subject to the provisions of Article X of this Ordinance.

SECTION 14. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 501.10 entitled "Environmental Performance Standards" is amended to modify the last introductory paragraph by adding the following:

All projects must provide written documentation and supporting evidence of compliance with the following subsections:

SECTION 15. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Sections 501.10(b), (g), (j), (l), (m), (p)(4) and (s) are amended to read as follows:

(b) Liquid Wastes or Sewage

- (1) Effluent must meet any and all standards established by the Township/ or PaDEP.

(2) In no case shall untreated potentially dangerous, hazardous or contaminating effluent or waste from any operations be discharged into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements.

- (3) When the project is located within the Township's Act 537 Sewage Area, a letter from the Municipal Authority addressing public sewage capacity must be provided.

(g) Groundwater and Surface Water Supplies and Quality

No activity shall endanger groundwater levels and quality and surface water quality in the area of the use, nor adversely affect groundwater supplies of nearby properties. The activity must incorporate wellhead protection plans or ordinances in effect. If adverse effects are possible, then the Township may require a hydrologic study, which shall indicate the impact of the use on groundwater supplies and quality in the area. When the project is located within

the Township's Act 537 Sewage Plan, a letter from the Municipal Authority addressing public sewage capacity must be provided.

(j) Buffer Yard

When the side and/or rear yard of a lot adjoins land zoned for or used for residential purposes pursuant to this Ordinance, a buffer strip suitably landscaped to provide a minimum screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining said areas. Also the requirements of Section 517 of this ordinance shall be complied with when applicable.

(l) Erosion and Sedimentation Pollution Control

It shall be unlawful for any building, structure, or other improvement of land to be constructed or land distributed without developing, implementing, and maintaining erosion and sediment pollution control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of this Commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Department of Environmental Protection Chapter 102 regulations. A copy of the erosion and sedimentation control plan must be provided with the plan submission.

Prior to the approval of any zoning, building, subdivision, or land development application, an erosion and sedimentation control plan must be submitted to and approved by the Berks County Soil Conservation District or other applicable regulatory body.

(m) Stormwater Management

For all new construction in all Zoning Districts, a Stormwater Management Plan and Report must be prepared by a professional engineer and submitted with the application, except when specifically excluded from submission and review by the applicable Township Act 167 Stormwater Management Ordinance.

(p) Wetlands

(4) For all applications, the Township Engineer shall determine whether wetlands delineation will be required by a qualified professional. Delineated "wetlands" shall be accompanied by a technical report and data forms.

(S) Impact Studies

Utility impact studies and traffic impact studies for all projects may be required unless waived by the governing body. Studies are to follow applicable State, PADOT, Pennsylvania Department of Environmental Protection, local and professional criteria.

SECTION 16. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Sections 505.10 entitled "Screening", is amended to read in its entirety as follows:

505.10        Screening

(a) Along lot lines abutting residential districts and residential dwellings, along the side yard or rear yard, shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures. See, Section 517.

(b) If trees, evergreen hedges or other types of year-round plants are used, a landscape area shall be provided along the entire interior lot lines. See, Section 517.

SECTION 17. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 505.14(d) is amended to read as follows:

(d) Lighting shall be regulated pursuant to Section 501.13 of this Ordinance.

SECTION 18. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Sections 508.1(a)(12), (i), (i)5, (i)6, and (i)7, are amended to read as follows:

(a)(12) Size of Parking Space: An off-street parking space shall have a minimum of two hundred (200) square feet, exclusive of aisles and drives. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be ten feet (10') by twenty-two feet (22'). Parking inside a garage/building is not considered an off-street parking space to meet the requirements of Section 508.1(a).

(i) Parking lots in all Commercial, Light Industrial, Industrial, Institutional and Neighborhood Commercial Zones are subject to the following and Section 508.4:

(i)(5) In all cases the curbed radius of the edge or the drive apron shall be at least fifteen (15) feet and no more than fifty (50) feet. The tangent end of the curbed drive radius must be a minimum of five (5) feet from the property line.

(i)(6) The Location and width of exit and entrance drive shall be a minimum of twenty-five (25) feet from the property line and planned so as not to interfere with the use of adjacent property's pedestrian and vehicular traffic on adjacent streets. The center line of

the access drive on, to, or from any public street shall be located at least one hundred (100) feet from the intersection of any street lines.

(i)(7) Curbed drives shall have unimpeded access to parking areas and there shall be no parking alongside drives.

SECTION 19. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Sections 508.3(f), (k) and (m) are amended to read as follows:

(f) Driveway's radius tangent shall not intersect a street within thirty (30) feet of the right-of-way lines of any abutting street, nor within five (5) feet of a fire hydrant or adjoining Lot lines.

(k) All driveways shall be located, designed and constructed as to provide optimum sight distance at their intersection with the street. PADOT standards and guidelines for calculating site distance shall be applied.

(m) Except for one-family semi-detached dwelling, all driveways shall be located at least twenty-five (25) feet from a property line, shall have a minimum inside turning edge radius of forty (40) feet and be designed and constructed in accordance with the standards for driveways specified in Ordinance #1979-2, as amended.

SECTION 20. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 517 entitled "Landscaping", is amended in its entirety to read as follows:

Section 517 Landscaping

(a) Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Township prior to planting. The type and density of planting shall adequately provide the screening effect required year-round. Complete plans showing the arrangement of all buffer yards and the placement, species, and size of all plant materials and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Township to ascertain that the plans are in conformance with the terms of this Ordinance or any other Ordinance of the Township.

(b) Reserved for future use.

(c) The screen planting shall be maintained permanently and plant material, which does not live, shall be replaced within six (6) months.

(d) Reserved for future use.

(e) A clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.



SECTION 21. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 558(h) and (i) are amended to be deleted in their entirety and marked "reserved for future use."

SECTION 22. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 563(b) is amended to read as follows:

- (b) The following accessory uses may be approved as part of the conditional use application:
  - (1) Auditorium.
  - (2) Barber and beauty shops.
  - (3) Tavern or night club
  - (4) Gift Shop
  - (5) Meeting facilities
  - (6) Recreational uses and swimming pools.
  - (7) Sauna, spa, or steam room.
  - (8) Valet shop.
  - (9) Other similar retail sales and personal services.

SECTION 23. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 579 entitled "Restaurants" is amended to read in its entirety as follows:

Section 579                      Restaurants

- (a) No building shall be closer than fifty feet (50') to any lot line.
- (b) Drive-thru and/or fast-food restaurants are subject to Section 549 as well as the following additional criteria:
  - (1) No improved impervious part of the subject property shall be located within one hundred (100) feet of any residentially zoned land or existing residential dwelling.
  - (2) Where permitted, the drive-through service lane shall be designed with sufficient on-site stacking or queuing lanes in order to prevent the traffic congestion and/or the back-ups onto adjoining roads or adjacent properties. The pre-service or drive-through service land for the restraint shall be at least ten (10) feet in width and one hundred (100) feet in length.
  - (3) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other sounds are not audible at any street line or property line.

(4) Provisional parking spaces for pick-up and/or delivery may be permitted provided that such parking spaces are in addition to the required number of parking spaces specified in Section 508.1 (off-Street Parking) of this Ordinance.

(5) The restaurant shall include provisional off-street parking spaces that are designated for pick-up service, which may include a maximum of five (5) spaces to be incorporated as part of the parking plan for the proposed restaurant use.

- (c) The restaurants may contain an accessory area devoted to outdoor eating provided that the cumulative number of outdoor seats does not exceed twenty percent (20%) of the total number of seats permitted within the building occupying the restaurant use.

SECTION 24. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 598(d) is amended to read as follows:

- (d) All lot lines abutting residences along the sides or rear shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of seven (7) feet.

SECTION 25. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 599-B(f) is amended to read as follows:

- (f) All lighting shall be designed and constructed so as to comply with section 501.13.

SECTION 26. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article VIII entitled "Zoning Hearing Board", Section 803.4(e) is amended to read as follows:

- (e) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

The existence of non-conforming uses of land, structures, or buildings in the same or other zoning districts, shall in or of itself not be considered grounds for the granting of a variance.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

SECTION 27. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IX entitled "Conditional Uses", Section 901 entitled "Compliance" is amended to read in its entirety as follows:

Section 901                      Compliance

(a) Conditional Use plans must comply with the Conditional Use section of the Zoning and Subdivision and Land Development Ordinances of the Township. Nothing in this Ordinance shall relieve the owner or his agent, developer, or the applicant for conditional use approval from obtaining a subdivision plan and/or land development plan approval in accordance with the Township Subdivision and Land Development Ordinance. Approval of a conditional use application does not guarantee subdivision or land development approval.

(b) Zoning Relief. A conditional use submission shall not be considered officially accepted for review until any deeded zoning variances(s) or special exception approval that is directly relevant to the site layout and nature of the use is granted. The Applicant must obtain all variance and special exception relief before submitting a conditional use application. The Applicant shall be responsible with providing the Township with sufficient documentation and information at the time of submission of the application to determine compliance with this section. Failure to do so will result in a rejection of the application.

SECTION 28. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IX entitled "Conditional Uses", Section 902 entitled "Application", is amended to read in its entirety as follows:

Section 902                      Application

An application for a Condition use Permit shall be submitted to the governing body by the Owner, or his agent, or developer along with an electronic format of all documents; ten (10) proposed plans and required documents which comply with the submission requirements set forth in Township Subdivision and Land Development Ordinance and requirements of Section 501.10 of this Ordinance. Only one (1) application for a Condition Use Permit for any one (1) tract of land or portion thereof shall be before the Township for review at any time. The conditional use application shall be submitted on such forms as prescribed by the Board of Supervisors.

In addition to the application and plans, the Applicant shall submit to the Township the names and addresses of all property owners located within five hundred (500) feet of the site's property boundary in order for the Township to notify said landowners of the pendency of said application.

SECTION 29. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IX entitled "Conditional Uses", Section 904 entitled "Procedures", is amended to read in its entirety as follows:

Section 904                      Procedures

Upon receipt and acceptance for review compliance and completeness by the Board of Supervisors of the submitted conditional use application, the Board of Supervisors shall hold a public hearing upon an application for A conditional use within sixty (60) days after the Board of Supervisors receives the filing of said application. The remaining procedures for processing conditional use applications shall be governed by the conditional use procedures set forth in the Pennsylvania Municipalities Planning Code.

Upon receipt of the application and proposed site plan the Planning Commission shall review the conditional use request with the owner, developer or agent prior to the public hearing.

The administrative costs of the public hearing shall be borne exclusively by the applicant in accordance with the administrative fee procedures of the Municipalities Planning Code which shall include the costs of advertisement, notification of property owners, legal and engineering review, and stenographic fees in accordance with Section 907 of this Ordinance.

The Zoning Officer shall report in writing to the Planning Commission and/or the Board of Supervisors stating whether the proposed Conditional use complies with this Ordinance.

Timing. The Board of Supervisors shall not act to approve or deny a conditional use application unless: a) the Supervisors have received the reports of the Zoning Officer and the Planning Commission or b) unless a period of at least sixty (60) days has passed from the date of the application.

SECTION 30. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IX entitled "Conditional Uses", Sections 905(a), (i) and (j), are amended to read as follows:

(a) The proposed use shall meet all specific standards and regulations for eligibility which appear in the Section/Article of this Ordinance authoring the proposed conditional use as well as demonstrate ability to comply with 501.10, 501.13, 508 and 509.

(i) The probable effects of the proposed development on highway congestion have been considered and adequate access arrangements are provided in order to protect major highways from undue congestion and hazard. Each applicant for conditional use shall establish the effect of the proposed development on the reserve

capacity of the public roads and road intersections providing access to and in the area of the subject property. An approved PennDOT Scoping Application with Municipal Approval for any access to the property involving PennDOT roads, must be provided.

(j) Consider the impact upon on-site and adjacent historic resources. A historic evaluation and report must be provided by a qualified individual.

SECTION 31. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article X entitled "Alternative Energy and Domestic Animals", Section 1001.3(c) is amended to read as follows:

(c) Solar Energy Field- are systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on site.

SECTION 32. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article X entitled "Alternative Energy and Domestic Animals", Section 1001.7, entitled "Solar Energy Fields", is amended in its entirety to read as follows:

1001.7            Solar Energy Fields

Solar fields shall be located on properties with a minimum lot size of five (5) acres in the appropriate Zoning District as set forth in Article V of this Ordinance and not exceed ten (10) acres of Lot Area (Net).

(a) The Applicant shall demonstrate appropriate screening for the operation and demonstrate compliance with general requirements for non-residential uses within the zoning ordinance, including but not limited to environmental considerations. Solar panels and equipment must be fully screened and placed a minimum of one hundred feet (100') from the property line of an existing residential dwelling. Solar panels must be comprised of antiglare/reflection coating material.

(b) The Applicant shall provide an operations agreement to the Township which shall set forth operations parameters, the name of the certified operator, inspection protocol, emergency procedures and general safety documentation. An operations agreement must be provided annually for review and approval and contain a list of potential hazardous material.

(c) The Applicant shall demonstrate the manner of abandonment and removal of the solar arrays that comprise the field. An abandonment decommissioning plan, agreement and decommissioning escrow shall be provided and updated every five (5) years.

(d) All other area and bulk regulations shall apply in the applicable Zoning District except that each panel shall be considered as impervious cover.

- (e) Solar projects must comply with the provisions of Land Development in the Subdivision and Land Development and Stormwater Management ordinances.

SECTION 33. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article X entitled "Alternative Energy and Domestic Animals", Section 1001.9, entitled "Emergency Outages", is amended in its entirety to read as follows:

1001.9           Emergency Outages

The owner of any Solar Energy System or Solar Energy Field must configure the system in a manner that a back up source of electricity is available during times of outage of the solar energy system. In the event the operation of the solar energy system interferes with the supply of electric service to other residences of the Township, the Township may restrain operation for such interference with the health, safety and welfare of other residents.

SECTION 34. The Maxatawny Township Zoning Ordinance of 2012, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of such Zoning Ordinance upon enactment.

SECTION 35. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 36. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 37. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Maxatawny Township, Berks County, Pennsylvania, this 9<sup>th</sup> day of September, 2024.

BOARD OF SUPERVISORS OF  
MAXATAWNY TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA

John de Blange  
Chairman

W. J. i.  
Vice Chairman

\_\_\_\_\_  
Member

ATTEST:

Carolyn R. Wehr  
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2024- 03 adopted by the Board of Supervisors of Maxatawny Township, Berks County, Pennsylvania at a public meeting held on September 9, 2024, pursuant to notice as required by law.

Dated: September 9, 2024

Deilyn R. Wehr  
Township Secretary



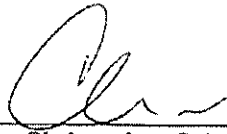
**CERTIFICATION**

The undersigned, Solicitors for the Township of Maxatawny, hereby certify that attached hereto is a true and correct copy of the attached proposed Ordinance of the Township of Maxatawny.

MASANO BRADLEY, LLP

Dated: August 15, 2024

By: \_\_\_\_\_



Christopher C. Muvdi., Esquire  
Masano ♦ Bradley, LLP