

**FOX TOWNSHIP  
ORDINANCE NO 2022-06**

**An Ordinance Amending Ordinance No. 2005-10 of Fox Township, known as the Fox Township Zoning Ordinance, providing for the regulation of Campgrounds/Recreational Parks; the regulation of Communication Towers and Equipment; the regulation of Transient Retail; the regulation of Solar Energy Systems; the regulation of Cryptocurrency Mining; modifying regulation of signs; and expanding special exceptions within the Residential/Agricultural District.**

Fox Township hereby amends Ordinance No. 2005-10 known as the Fox Township Zoning Ordinance, as follows:

**§110-9 Definitions:**

Change the definition of a freestanding sign to read: (changes are in italics and underlined)

- A. SIGNS, FREESTANDING – *Any mobile, moveable, or non-moveable sign not affixed to a building or other structure.*

**§110-46 Sign Regulations:**

Amend Section B(2)(b) to read “The area on one side of any such sign shall not exceed 32 square feet in the RA, RS and RR Districts.”

Amend Section D (2) (a) to read “The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed 32 square feet except in the case of a tract or building housing more than one commercial use.”

**§110-11 Residential / Agricultural District – RA District**

(Changes are in italics and underlined)

B. Special exception uses. The following require special exceptions in accordance with Article VI of this chapter:

- (1) Educational facilities (public and private).
- (2) Philanthropic facilities.
- (3) Clubs, lodges and fraternal organizations.
- (4) Day-care facilities (child and adult) subject to appropriate state regulations.
- (5) Mobile home parks.
- (6) Nursing homes.
- (7) Group homes.
- (8) Trailer/recreational vehicle parks.
- (9) Recreational facilities.
- (10) Vehicle Repair Garages*
- (11) Vehicle Fueling Stations*
- (12) Food - Retail / farm markets /stands.*
- (13) Self Storage Units*
- (14) Equipment Rental Shops*

(15) Wedding / Ceremonial Venues

**§110-50. Campgrounds / Recreational Vehicle Parks**

- A. Within the RA Zone only, campgrounds and RV parks are permitted by special exception, subject to the following criteria:
- A. Setbacks. All campsites shall be located at least 50 feet from any side or rear property line and at least 100 feet from any street line.
  - B. No more than 15 campsites per acre within a campground are permitted, and each campsite shall either provide a parking space which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
  - C. Any outdoor play areas shall be set back 100 feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
  - D. All campgrounds shall furnish centralized sanitary and garbage collection/recycling facilities that shall be set back a minimum of 100 feet from any property line. Such facilities shall be screened from adjoining residentially zoned properties.
  - E. Any accessory retail or service commercial uses shall be set back a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels. All commercial uses shall comply with all construction and accessibility requirements of the Pennsylvania Uniform Construction Code.
  - F. All campgrounds containing more than 100 campsites shall have direct vehicular access to an arterial or collector street.
  - G. A campground may construct one freestanding or attached sign containing no more than 32 square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least 10 feet from the street right-of-way line and at least 25 feet from adjoining lot lines.
  - H. A minimum of 20% of the gross area of the campground shall be devoted to active and passive recreational facilities.
  - I. Every campground shall have an office or a campground host site in which shall be located the person responsible for operation of the campground. Such person shall maintain a daily registration log of tenants; such registration log shall be maintained for each calendar year.

J. All water facilities, sewage-disposal systems, rest rooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the following requirements:

(a) Water supply.

- [1] Water used in the operation of a campground shall be provided from a supply approved by the Township. Approval of a water supply shall be based upon satisfactory compliance with construction standards for water supplies as required by the PA. Department of Environmental Protection.
- [2] The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the PA Department of Environmental Protection.
- [3] An unapproved water supply shall be made inaccessible to the public in a manner deemed satisfactory to the Department.

(b) Sewage disposal:

- [1] Sewage disposal systems serving all campgrounds shall be approved by the Township. Approval shall be based upon satisfactory compliance with 25 PA Code Chapter 73 (relating to standards for sewage disposal facilities) and The Clean Streams Law (35 P. S. § 691.1691.1001).
- [2] Campgrounds shall provide permanent toilet facilities on the premises for the public which are separate for each sex.
- [3] Toilet facilities, including privies, restrooms, and fixtures, shall be of a sanitary design and readily cleanable and meet all requirements of the Pennsylvania Uniform Construction Code Act and the Pennsylvania Sewage Facilities Act.
- [4] Toilet facilities in campgrounds shall be in addition to any requirements for sanitary dump stations as indicated (relating to sanitary dump stations) and shall be provided in the ratios indicated in the following table:

Number of Camp Sites	Number of Toilet Seats		Number of Lavatories		Number of Urinals
	Male	Female	Male	Female	Male
1-15	1	1	1	1	1
16-30	1	2	2	2	1
31-45	2	2	3	3	1
46-60	2	3	3	3	2
61-80	3	4	4	4	2
81-100+	3	4	4	4	2

- [5] All new campground operations which provide parking spaces for RV trailers shall provide sanitary dump stations in order that the removal and disposing of sewage from trailer holding tanks shall be accomplished in a sanitary manner and shall be of a sanitary design and readily cleanable and meet all requirements of the Pennsylvania Sewage Facilities Act.

Each sanitary dump station shall consist of at least the following:

- i. A 4-inch sewer pipe which shall be connected to an approved sewage holding tank, surrounded at the inlet end by a concrete apron sloped to the drain. The minimum size holding tank is 1000-gallons.
- ii. A suitable fly-tight cover or cap which shall be provided to the 4-inch sewer pipe.
- iii. A water outlet / hose bib, with the necessary appurtenances and connected to a water supply system, to permit a washdown of the immediate adjacent areas after each use.
- iv. Each water outlet used for washdown purposes at sanitary stations shall conspicuously display at all times a sign stating: "Notice, This Water is for Flushing and Cleaning Purposes Only."

(c) Bathing places.

The construction, modification, maintenance and operation of all restrooms and bathing places in a campground shall be subject to the provisions of the Public Bathing Law and the Pennsylvania Uniform Construction Code.

(d) Vector control.

Adequate measures for the control of arthropods and rodents which the Township deems a public health hazard shall be taken in a manner satisfactory to the Township.

(e) Garbage & Refuse.

The collection of garbage and refuse shall be conducted in a sanitary manner and as often as necessary to prevent a nuisance.

- [1] Garbage and refuse containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent, rust and corrosion-resistant containers of adequate number, which shall be kept covered with tight-fitting lids, when filled or stored or not in continuous use, but any other manner of garbage and refuse storage may be used if approved by the Township.
- [2] Other refuse shall be stored in containers, rooms or areas of sufficient number and size in a manner so as to prevent arthropod or rodent problems and other nuisances. When disposal of garbage or refuse is accomplished within or upon the premises of the campground, the disposal facilities shall be operated and maintained so as not to create a nuisance or a health hazard.

K. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

L. Occupancy of a campsite by the same tenant shall be limited to no more than 181 days during any calendar year.

M. Permits:

[1] A person may not operate at a place within Fox Township, and a person may not permit to be operated on his premises within Fox Township, an organized camp or campground unless the operator or owner possesses a valid permit from the Township.

[2] Upon the proper installation of the campground, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months. A fee, in the amount to be set by the Township Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit.

N. When deemed necessary, prior to the issuance or renewal of a certificate of use and occupancy, the owner of a campground shall file with the Township Board of Supervisors of a set of campground regulations.

O. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations, or for the violation of this chapter or other provisions, and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

**B. Penalties for Violations.** Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100, nor more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for not more than 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

**Add: §110-51.4. Communication Towers and Equipment.**

A. Subject to the following criteria, within the RA and RR Zones, communication towers and equipment that are not co-located upon existing structures are permitted by special exception. In all other zoning districts communication towers and equipment that are not co-located upon existing structures are permitted by conditional use.

B. The applicant shall demonstrate, using technical evidence, that the proposed location is necessary for the efficient operation of the system. All other uses associated with the communication tower, such as a business office, maintenance depot, or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the zone in which the site

is located.

- C. Any communication tower shall be set back from each property line a distance equal to its height, plus 50 feet. This setback shall also be applicable to guide wire anchors for the communication tower.
- D. All towers and guide wire anchors shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
- E. All ground-mounted satellite dishes that are used to transmit video-format data shall be completely enclosed by a minimum eight-foot-high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
- F. The applicant shall demonstrate that the proposed communication tower and support structure is safe and that the surrounding area and roads will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio or satellite frequency interference.
- G. No site shall be located within 500 feet of:
  - (1) Any existing residential dwelling.
  - (2) The nearest property line of any approved lot which has been subdivided during the last five years for residential purposes, which has not yet been constructed.
  - (3) The nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval.
- H. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration, the Federal Communications Commission, and any other state and/or federal agencies.
- I. The applicant shall submit a plan for the removal of the communication tower when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the facility within three months from the date the applicant ceases use of the facility, or the facility becomes obsolete.
- J. In order to reduce the number of tower support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services.
- K. If a tower site is fully automated, one off-street parking space shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event may not be less than two off-street parking spaces.

- L. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground-level features (such as a building):
- (1) An evergreen screen may be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.
  - (2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- M. The applicant shall obtain a building permit in accordance with the Building Code Official prior to commencement of construction or any modification of any communication tower.
- N. Communication towers shall be painted with silver or have a galvanized finish retained in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees to lessen visual impact. All support structures shall meet all applicable Federal Aviation Administration regulations. No communication tower may be artificially lighted, except when required by the Federal Aviation Administration, state regulations or by Township requirements.
- O. Lighting shall be required on all towers in excess of 50 feet. The lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- P. A full site plan, prepared by either a registered surveyor or a professional engineer, with elevations, shall be required for communication tower sites, showing the communication tower, buildings, fences, buffering, access, and any accessory structures.
- Q. Prior to a certificate of use and occupancy being issued, the applicant shall provide an engineer's certification that the tower is constructed as designed and shall submit the same to the Zoning Officer.
- R. Communication antennas that are co-located upon existing structures (e.g., utility transmission towers or poles, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, buildings, and other similar structures) are a permitted use, provided that:
- (1) The applicant submits a copy of the written agreement with the landowner upon whose structure the antenna is to be located.
  - (2) The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use.
  - (3) The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission.

- (4) The applicant shall demonstrate that the proposed use will comply with all regulations of the Federal Aviation Administration, and the Commonwealth Bureau of Aviation.
- (5) The applicant shall furnish a sealed statement from a registered engineer that the construction methods or other measures used will prevent the toppling of any communication tower onto adjoining properties and/or roads and prevent the wind-borne scattering of ice onto adjoining properties and/or roads.
- (6) Antennas attached to existing public utility transmission towers or poles are specifically permitted in every zone by right.
- (7) Co-located communications antennas shall be considered as an accessory use in all zoning districts.

**Add: §110-51.5. Transient Retail.**

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

**COMMISSARY:** The operating base location to which a mobile food facility or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food. A commissary may not be a residential personal use kitchen and must be separate from private residential use areas.

**DESIGNATED VENDOR SPACE AT ELK COUNTY FAIR GROUNDS:** Those areas of Elk County Fair Grounds designated by the Township as available for rent to mobile food vendors.

**ENFORCEMENT OFFICER:** A Code Enforcement Officer of Fox Township

**MOBILE FOOD VENDOR:** A person who sells, intends to sell, or offers to sell food products in or about the streets of the Fox Township from a Mobile Food Vendor Facility.

**MOBILE FOOD VENDOR FACILITY:** A movable stand, motor vehicle, trailer, cart, basket, box, or similar structure, from which food is stored, prepared, processed, distributed or sold, either from a temporary fixed location or traversing the streets of Fox Township.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**B. Mobile Food Vendor Facility License Required; Conditions of Issuance; Fee.**

No person shall operate a mobile food facility within Fox Township without first having obtained from the Township a license, for which a fee, which shall be for the use of the Township, shall be charged in an amount as established by resolution of the Fox Township



Supervisors.

**C. Application.**

Every person desiring a license under this Part shall first make application to the Township for such license. They shall, when making such application, submit a valid license from any State or County officer, if such license is also required. The applicant shall state:

- (1) Their criminal record, if any.
- (2) Name and valid mailing address of the applicant
- (3) Description of food items and beverages, for purchase and cartons or utensils distributed.
- (4) Length of time for which license is to be issued.
- (5) Type and license number of the vehicle to be used, if any, or description of mobile food vendor facility proposed to be used.
- (6) Description of the temporary, fixed location the mobile food vendor facility shall operate from and/or the areas of the Township the facility will be operating within.
- (7) A working plan for the collection, removal and proper disposal of solid waste generated by the mobile food vendor facility.
- (8) Proof the required license has been obtained for the facility and, if required by the State, its commissary from the Commonwealth of Pennsylvania Department of Agriculture. Mobile food vendor facilities not requiring license by the State must show proof of application and inspection by the Commonwealth of Pennsylvania Department of Agriculture as required by State law.
- (9) Fees for such License shall be established from time to time by Resolution of the Fox Township Board of Supervisors.

**D. General Rules Applicable to Mobile Food Vendors.**

- (1) No mobile food vendor facility is permitted to park or stop to serve customers within 150-foot radius of any principal customer entrance to any restaurant or food establishment serving food products within Fox Township during that establishment's hours of operation without written permission from the restaurant or food establishment and shall locate at the curb in such a way as to cause any line which forms to do so along the curb.
- (2) On school days from 7 AM to 4 PM, no mobile food vendor facility may operate within five hundred (500) feet of the grounds of any building used as a public or private pre-school, kindergarten, elementary school, or secondary school, unless written permission is obtained from the school within this area.
- (3) A mobile food vendor facility may not operate within any Fox Township Park, or on property owned by Fox Township, unless express written permission is obtained by

the Fox Township Recreation Director and the Fox Township Supervisors.

(4) No mobile food vendor facility may park in any parking areas in all districts zoned Residential longer than is necessary in order to sell therefrom to persons residing in the immediate vicinity. No mobile food vendor facility may park on public property in any residentially zoned district for the sole purpose of cleaning, start-up, food preparation, or other maintenance activities.

(5) Zoning Districts

(a) Mobile food vendor facilities are permitted to park and serve customers on private property within all Zoning Districts (VC, HC, LI) except those denoted as Residential, but only if given express written consent of the property owner and such written consent is kept in the mobile food vendor facility at all times when the mobile food vendor facility is operating on the property, and a license is issued by Fox Township. Mobile Food Vendors wishing to park and serve customers on private property within any Residential Zoning District (RA, RR, RS) may seek a Special Exception to operate at these locations.

(b) Properly licensed and permitted mobile food vendors are permitted to travel, traverse, and temporarily stop and serve customers along public streets, alleys, and roads within any Residential Zoning District (RA, RR, RS) of Fox Township.

(6) No mobile food vendor facility may park within fifteen (15) feet of a fire hydrant, or in any unloading zone or in any no parking zone.

(7) For mobile food vendor facilities on public property; including the Fox Township's right-of-way, Fox Township reserves the right to temporarily move a mobile food vendor facility if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit or if the location is required for a Fox Township-sponsored event.

(8) No mobile food vendor facility shall sell or offer for sale any products in a manner that would substantially obstruct a public right-of-way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety.

(9) No operator of a mobile food vendor facility shall park, stand, or move a vehicle and conduct business within areas of the Fox Township where the mobile food vendor facility has not been authorized to operate.

(10) All mobile food vendors must provide a waste bin and a recycle bin which shall be removed by the mobile food vendor at the close of the business day and shall pick up and remove all papers, wrappers, bottles, or other refuse dropped by the customers thereof within fifty (50) feet of the vicinity of the mobile food vendor facility.

(11) No liquid waste or grease is to be disposed of in tree pits, storm drains, waters of the Commonwealth or onto the sidewalks, streets, or other public spaces of the Fox

Township. Under no circumstances shall grease or other wastewater be released or disposed of in the Fox Township's sanitary sewer system; however, mobile food vendor facilities may be eligible to dispose of waste at the Fox Township Wastewater Treatment Plant for the applicable fee and with prior permission of the Fox Township Sewer Authority.

- (12) All mobile food vendor facilities shall be attended by at least one (1) operator who is at least the age of eighteen (18) at all times.
- (13) Unattended vehicles prohibited. No mobile food vendor facility shall be left unattended and unsecured at any time food is kept in the mobile food vendor facility. Any mobile food vendor facility which is found to be unattended shall be considered a public safety hazard, shall be ticketed in accordance with existing Fox Township ordinances and may be impounded.
- (14) Mobile food vendor facilities may not operate between the hours of 2:30AM and 6:30AM and mobile food vendor facilities must be removed from public streets and parking spaces by 2:45AM each day.
- (15) No mobile food vendor facility shall make or cause to be made any unreasonable or excessive noise and shall comply with all other Fox Township Ordinances. No mobile food vendor facility shall use or maintain any outside amplified equipment, flashing/animated lights, or noisemakers; nor shall they broadcast music or loud advertisements while stationary.
- (16) Freestanding signage shall be limited to one (1) sign, a maximum of twelve (12) square feet in area. Any signage shall be displayed only while the mobile food vendor facility is in operation, shall not substantially obstruct the movement of pedestrians or vehicles, or pose a safety hazard. Any signage shall be located within 40 feet of the mobile food vendor location and shall only advertise the mobile food vendor business.
- (17) If a mobile food vendor facility provides outdoor dining furniture; it shall not be permanently affixed to any public property, shall not substantially impede the free movement of pedestrians or vehicles, and shall be removed from public property and stored inside the facility or off-site when not in use. Specifically, for furniture placed on a public sidewalk, there shall be a straight-line path of at least four (4) feet in width maintained on the public sidewalk at all times.

**E. Issuance of License; Custody, and Exhibit.**

Upon receipt of such application and the prescribed fee, Fox Township, if the application is in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall always carry such license upon their person or within the mobile food vendor facility. They shall exhibit such license, upon request, to all police officers, municipal officials, and customers.

**F. Prohibited Acts. No mobile food vendor or facility shall:**

- (1) Sell any product or type of product not mentioned in the license.
- (2) When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in Fox Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- (3) No mobile food vendor facility shall obstruct the free passage of vehicles or pedestrians on public property.
- (4) Park any vehicle upon any of the streets or alleys in Fox Township of for the purpose of sorting, rearranging, or cleaning of any goods, wares, or merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- (5) Conduct any such business while the license is suspended, revoked, or expired.

**G. Enforcement.**

- (1) The provisions of this part may be enforced by a Fox Township Code Enforcement Officer or by any member of the Pennsylvania State Police Department.
- (2) When it appears to the Enforcement Officer that the operation of the mobile food vending facility poses an immediate and imminent threat to the public health and safety if the mobile food vending facility is not immediately closed, the Enforcement Officer shall have the power to order the immediate closure of mobile food vendor facility until such time that the violations complained of have been corrected or the Fox Township Supervisors or other appropriate board overrules the determination of the Enforcement Officer.
- (3) Nothing set forth in this section may limit the pursuit of other appropriate actions or proceedings at law or in equity available to the Fox Township

**H. Denial of Application or Suspension of License.**

- (1) An application for a license may be denied for any of the following reasons:
  - (a) The mobile food vendor or any of its employees fail to satisfy any qualifications or requirements imposed by this Chapter, or other local, State, or Federal laws or regulations. OR
  - (b) The mobile food vendor or any of its principals has engaged in operating without a valid license; or Failure to submit the required application fee.

(2) Operation may be suspended by an Enforcement Officer for any of the following reasons:

(a) The mobile food vendor or any of its employees fail to satisfy any qualifications or requirements imposed by this Chapter, or other local, State, or Federal laws or regulations. OR

(b) The mobile food vendor facility is operated in such a manner as to constitute a public nuisance or safety hazard; or the Mobile Food Vendor, its principals or agents, repeatedly violates any of the provisions of this article, after being informed of the violation(s) by an Enforcement Officer.

(3) Enforcement Procedures: Notice of denial, revocation or suspension will be sent via First Class Mail to the name and address of the applicant for license with the Commonwealth of Pennsylvania Department of Agriculture. If no applicant for license with the Commonwealth of Pennsylvania Department of Agriculture is on record, the notice shall be sent via First Class Mail to the registrant of the vehicle license plate or hand-delivered to the vendor facility. Upon notice of denial, revocation, or suspension, an aggrieved party may appeal to the Fox Township Supervisors by submitting a written notice of appeal to the Code Enforcement Office within ten (10) days following the date of the notification.

The provisions of this Section are not exclusive. This Section shall not preclude the enforcement of any other provisions of this Ordinance or State or Federal laws and regulations. Fox Township may impose additional requirements to protect against health hazards related to the operation of mobile food vendor facility.

#### **I. Exemptions.**

(1) This Section and its requirements, rights and privileges shall not apply in any respect to mobile food vendors at designated vendor space at any community sanctioned event or activity to which vendor access is restricted or regulated, who receives written permission from the director of the organization sponsoring the event to operate within the identified boundaries of any event or activity.

(2) This Section shall not apply to small retail establishments operated by minor children on the same property as they occupy such as lemonade stands, hot chocolate stand, etc.

(3) This Section and its requirements shall not apply in any respect to mobile food vendors situated, parked, or operating for less than 48-hours at private events hosted on private property not open to the general public.

**J. Penalties for Violations.** Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100, nor more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for not more than 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

**Add: §110-51.6. Solar Energy Systems.**

**A. Applicability**

- (1) This ordinance applies to solar energy systems to be installed and constructed after the effective date of this ordinance, and all applications for solar energy systems on existing structures or property.
- (2) Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- (3) Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

**B. Purpose.** The purpose of this ordinance is to promote the use of solar energy and to provide for the land planning, installation, and construction of solar energy systems in Fox Township, subject to reasonable conditions that will protect the public health, safety and welfare.

**C. Definitions.** The following words, terms, and phrases, when used in this ordinance, unless the context indicates otherwise, shall have the following meanings ascribed to them:

*Accessory Solar Energy System (ASES)* - An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

*Glare* - The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

*Principal Solar Energy System (PSES)* - An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. The term includes utility scale renewable energy systems.

*Solar Array* - A grouping of multiple solar modules with purpose of harvesting solar energy.

*Solar Cell* - The smallest basic solar electric device which generates electricity when exposed to light.

*Solar Easement* - A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

*Solar Energy* - Radiant energy (direct, diffuse and/or reflective) received from the sun.

*Solar Module* - A grouping of solar cells with the purpose of harvesting solar energy.

*Solar Panel* - That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

*Solar Related Equipment* - Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

#### **D. Regulations for Accessory Solar Energy Systems (ASES)**

##### **(1) Exemptions**

- (a) ASES with an aggregate collection and/or focusing area of 25 square feet or less are exempt from this ordinance.
- (b) ASES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the size or placement of the ASES shall require compliance with the provisions of this ordinance.

- (2) **Where Permitted.** ASES that have a maximum power rating of not more than 10kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 10kW shall be approved only by Special Exception in all zoning districts.

- (3) **Compliance with Industry Standards.** The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Fox Township, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

- (4) **Installers.** ASES installers must demonstrate they are listed as a certified installer or that they are or meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
- (a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.
  - (b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPO) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
  - (c) For residential applications, a registered home improvement contractor with the Attorney General's office.
- (5) **Maintain in Good Working Order.** Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of Fox Township and any other codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Fox Township in accordance with applicable ordinances.
- (6) **Underground Requirements.** All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
- (7) **Utility Notification.** The owner of an ASES shall provide Fox Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
- (8) **Signage.** The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
- (9) **Glare.** All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- (10) **Solar Easements**
- (a) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited



and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall include but not be limited to:

- [1] A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed.
- [2] Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement.
- [3] Enumerate terms and conditions, if any, under which the easement may be revised or terminated.
- [4] Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- (b) If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

**(11) Decommissioning**

- (a) Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- (b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- (c) The ASES owner shall, at the request of Fox Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

**(12) Permit Requirements**

- (a) Zoning /building permit(s) are required, and permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits shall be kept on the premises where the ASES is constructed.
- (b) The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

- (c) The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
- (d) Prior to the issuance of a zoning/building permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- (e) Routine maintenance or like kind replacements do not require a permit.

**(13) Roof Mounted and Wall Mounted Accessory Solar Energy Systems**

(a) Location

[1] A roof mounted or wall mounted ASES may be located on a principal or accessory building.

[2] Roof mounted solar panels may only be located on front-facing sloped roofs as viewed from any adjacent street(s) when approved as a special exception. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

- (b) Setbacks. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- (c) Solar panels may extend beyond any portion of the roof edge but not more than the building setbacks in the particular zoning district.
- (d) Height. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.
- (e) Code Compliance. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of Fox Township and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by professional engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

#### **(14) Ground Mounted Accessory Solar Energy Systems**

##### **(a) Setbacks**

- [1] The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the underlying zoning district.
- [2] A ground mounted ASES shall not be located in the required front yard within the Village Commercial (VC) Zoning District.
- [3] Within all other zoning districts, Fox Township may, by Special Exception, authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.

(b) Height. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.

(c) Coverage. The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the underlying zoning district.

(d) Screening. Ground mounted ASES shall be screened from adjoining residential uses or zones according to the standards found in other screening requirement sections of this zoning ordinance.

(e) Safety/Warning Signage. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

(f) Location Restrictions. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

#### **E. Principal Solar Energy Systems (PSES)**

- (1) **Exemptions.** PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance.

- (2) **Where permitted.** PSES shall be permitted by Conditional Use only within the Residential Agricultural (RA) zoning district.
- (3) **Compliance with Industry Standards** The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Fox Township, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.
- (4) **Installers.** PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - (a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for solar thermal installation.
  - (b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.
  - (c) Has other wise provided sufficient documentation and credentials to satisfy the Fox Township Board of Supervisors.
- (5) **Maintain in Good Working Order.** Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of Fox Township and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by Fox Township in accordance with applicable ordinances.
- (6) **Underground Requirements.** All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- (7) **Utility Notification.** The owner of a PSES shall provide Fox Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
- (8) **Signage.** No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be

allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

(9) **Glare**

(a) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(c) All PSES shall be placed such that shadows or other obscurities for any panel or equipment does not project onto nearby structures.

(10) **Noise Study.** A noise study shall be performed and included in the zoning/building permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45dBA, as measured at the property line.

(11) **Tree and Landscaping Removal.** No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

(12) **Contact Information.** The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Fox Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(13) **Solar Easements**

(a) Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall include but not be limited to:

[1] A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed.

[2] Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement.

- [3] Enumerate terms and conditions, if any, under which the easement may be revised or terminated.
- [4] Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- (b) If required, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

**(14) Decommissioning**

- (a) The PSES owner is required to notify Fox Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- (b) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, Fox Township may complete the decommissioning and land restoration at the owner's expense.

**(15) Permit Requirements**

- (a) Zoning/building permit(s) are required, and permit applications shall document compliance with this Ordinance and shall be accompanied by drawings or plans prepared by a Registered Land Surveyor and/or a Professional Engineer showing the location of the PSES on the property, including property lines and adjacent structures. Permits shall be kept on the premises where the PSES is constructed.
- (b) PSES shall comply with Fox Township zoning and subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- (c) The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

- (d) Prior to the issuance of a zoning/building permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- (e) Routine maintenance or like-kind replacements do not require a permit.

**(16) Ground Mounted Principal Solar Systems**

- (a) Lot Size. The PSES shall meet the lot size requirements of the underlying zoning district.
- (b) Setbacks. PSES shall be setback a minimum of 50 feet from any adjacent residential property lines, dwellings or structures.
- (c) Height. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.
- (d) Coverage. The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the underlying zoning district.
- (e) Screening. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in other screening requirement sections of this zoning ordinance.
- (f) Location Restrictions. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- (g) Security
  - [1] All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with self-locking gates.
  - [2] A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
- (h) Access
  - [1] At a minimum, a 25' wide access right-of-way must be provided from a state or township-maintained roadway into the site.
  - [2] At a minimum, a 16' wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is

the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

[3] Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.

- (i) Lighting. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
- (j) Earth Disturbance. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded. (*See Sec. E(14)(B)*).

**(17) Roof and Wall Mounted Principal Solar Energy Systems**

- (a) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of Fox Township that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted PSES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the PSES.
- (b) PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

**Add: §110-51.7. Cryptocurrency Mining.**

A. **Definitions:** The following words, terms and phrases, when used in this ordinance, unless the context indicated otherwise, shall have the following meaning ascribed to them:

*Cryptocurrency (bitcoin) Mining:* the process where specialized computers, also known as nodes or mining rigs, validate blockchain transactions for a specific cryptocurrency and, in turn, receive a mining reward for their computational effort.

*Cryptocurrency (bitcoin) Mining Operations:* A location, unit, device, building or other facility temporary or permanent, located indoors or outdoors where Cryptocurrency (bitcoin) Mining takes place.

B. Cryptocurrency (bitcoin) Mining Operations are permitted within the LI (Light Industrial) District only as a special exception subject to the following requirements:

- (1) Cryptocurrency Mining Operations must purchase or produce enough renewable energy necessary to offset 100 percent of a mine's energy use.



- (2) A plan, prepared by a Pennsylvania Registered Professional Engineer, shall be submitted that documents that noise reduction methods will not produce excessive noise or other public nuisances.
- (3) Cryptocurrency Mining Operations shall occur in a main building or principal building which is permanent. Cryptocurrency mining operations shall not occur in an accessory building nor temporary structure.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022 and to become effective 5 days from adoption.

ATTEST:

FOX TOWNSHIP SUPERVISORS

\_\_\_\_\_  
Kathleen Dowie, secretary-treasurer

\_\_\_\_\_  
David Mattiuz

\_\_\_\_\_  
Randy Gradizzi

\_\_\_\_\_  
Matthew Pontzer