

EATON TOWNSHIP AND MONROE TOWNSHIP
WYOMING COUNTY, PENNSYLVANIA

EATON TOWNSHIP ORDINANCE NO. 2008-1
MONROE TOWNSHIP ORDINANCE NO. 2008-2

AN ORDINANCE AMENDING THE EATON-MONROE ZONING ORDINANCE OF 2006 TO:

☛ ITEM 1 - ADD DEFINITIONS	1
☛ ITEM 2 - ADD <i>ACCESSORY WIND TURBINE GENERATORS AND OIL AND GAS WELLS</i> TO SCHEDULE	1
☛ ITEM 3 - ADD STANDARDS FOR ACCESSORY WIND TURBINE GENERATORS	2
☛ ITEM 4 - ADD STANDARDS FOR OUTDOOR FURNACES	2
☛ ITEM 5 - REVISE §701.6 - NOISE	2
☛ ITEM 6 - AMEND §825 - MINERAL EXTRACTION	3
☛ ITEM 7 - ADD §826 - MINERAL PROCESSING	4
☛ ITEM 8 - UPDATE SECTION REFERENCE	6
☛ ITEM 9 - AMEND §858 - WIND FARMS	6
☛ ITEM 10 - INCREASE SIZE OF TEMPORARY EVENT (§1105.4) AND SHOPPING CENTER (§1107.2) SIGNS ...	10

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Eaton Township and the Board of Supervisors of Monroe Township, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Eaton-Monroe Zoning Ordinance of 2006 is hereby amended as follows:

☛ **ITEM 1 - Add the following definitions to Article III:**

Oil or Gas Well: A bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term "well" does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. Oil and gas are considered minerals as defined by this Ordinance and are regulated by §825.

Outdoor Furnace: Any device, contrivance or apparatus or any part thereof, including but not limited to, a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices, which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed therefrom by conduit or other mechanism into any interior space for the supply of heat or energy.

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory.

☛ **ITEM 2 - Make the following changes to the Schedule of Uses:**

- Add *wind turbine generators, accessory* as an accessory use in all zoning districts in the Schedule of Uses.
- Add *oil and gas wells* as a conditional use in all zoning districts in the Schedule of Uses.

☛ ITEM 3 - Add §503.9 as follows:

503.9 Wind Turbine Generators, Accessory

An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory. Accessory wind turbine generators are permitted in all districts only in compliance with the following:

A. Setback

- 1. No part of the wind turbine generator structure shall be located closer to any property line or road-right-of-way than the two-thirds (2/3) of the height of the structure as measured from the highest point of the rotor plane.
- 2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.

B. Noise - Noise from the accessory wind turbine generator shall comply with §701.6. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

C. Uniform Construction Code - Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings documenting compliance with the Uniform Construction Code. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.

D. Compliance with FAA and PennDOT Regulations - Accessory wind turbine generators shall comply with applicable Federal Aviation Administration and PennDOT Bureau of Aviation regulations.

☛ ITEM 4 - Add §503.10 as follows:

503.10 Outdoor Furnaces

Outdoor furnaces shall be permitted as an accessory use only in accord with the following:

A. Outdoor furnaces shall not be located less than fifty (50) feet from any property line or public or private road right-of-way.

B. If located fifty (50) feet or less to any building, the chimney of the outdoor furnace shall be at least two (2) feet higher than the eave line of that building. However, in no case shall the minimum height of the chimney be less than fifteen (15) feet. Chimney height shall be measured from natural grade at the outdoor furnace.

C. The only fuels allowed shall be those listed fuels recommended by the manufacturer. The following are specifically prohibited: ~~unseasoned firewood~~, trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products and cardboard. *Handwritten: DW, DW, DW, DW*

D. All outdoor furnaces shall be equipped with properly functioning spark arresters.

☛ ITEM 5 - Amend the first sentence of §701.6 as follows:

701.6 Noise

All nonresidential uses, with the exception of agricultural uses and wind farms which are regulated under §858.3,Q, shall comply with the standards in this §701.6.

☛ ITEM 6 - Amend §825 as follows:**825 Mineral Extraction** (including oil and gas wells)**825.1 Findings**

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code Section 603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

825.2 Intent

The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and to establish the foundation for any conditions required to protect the public health, safety and general welfare.

825.3 Mineral Processing a Separate Use (See §826.)

Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated as *manufacturing* by this Zoning Ordinance. This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a *mineral extraction* operation.

825.4 Mineral Extraction, Minor

The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations. Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*. The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit. The subdivision of a parcel to qualify for additional mineral extraction, minor uses shall not be permitted. Mineral extraction, minor uses shall be exempt from the plan submission requirements of this §825; however, said operations shall comply with the operational and rehabilitation standards.

825.5 Parcel Size; Setback; Buffer

Mineral extraction and mineral extraction, minor shall be permitted only in those districts specified in the Schedule of Uses and only in accord with the requirements of this §825 and all other applicable Ordinance requirements. The mineral extraction operation shall comply with the following additional location requirements:

- A. **Parcel Size**: The minimum parcel size shall be two (2) acres for *mineral extraction, minor* and ten (10) acres for mineral extraction.
- B. **Property Line Setback and Buffer**: A setback of one hundred (100) feet shall be maintained between any mineral extraction operation and adjoining properties and public road rights-of-way. These setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose except

landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide. Design details of buffers shall be included on the site plan, and buffers shall be considered *improvements* for the purposes of guaranteeing installation in accord with the requirements for *land developments* in the Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

- C. Other Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate, the Governing Body shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions may be related to hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

825.6 Local, State and Federal Regulations

Mineral extraction and mineral extraction, minor operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

825.7 Information Requirements

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- B. DEP Application Information - The applicant shall provide a copy of all applications and information required by the applicable DEP Rules and Regulations. However, applicants proposing mineral extraction operations qualifying as small noncoal operations under DEP regulations shall provide all information required by Chapter 77 - Noncoal Mining of DEP Rules and Regulations for operations which are not considered small noncoal operations.

825.8 Reporting Requirements

For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

825.9 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §825.

☛ ITEM 7 - Add the following §825:

826 Mineral Processing

Mineral processing is classified as a conditional use in certain district. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §826 shall apply.

826.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

- A. Setbacks - The following setbacks shall be maintained for any mineral processing operation:
1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- B. Buffer
1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

826.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

826.3 Informational Requirements

The applicant shall provide the information required by this §826.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §826, §1202.3,C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

826.4 Reporting Requirements

For any mineral processing operation approved by the Township, the operator shall submit to the Township copies

of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

☞ **ITEM 8 - Change the following reference as follows:**

827 - 840 Reserved

☞ **ITEM 9 - Amend §858 as follows:**

858 Wind Farms

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind farms which shall be permitted as conditional uses only in the districts as provided by the Schedule of Uses.

858.1 Purposes

- A. To accommodate the need for wind farms while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

858.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind farm and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind farm (including a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm, unless otherwise permitted in the zoning district in which the wind farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
- C. Wind Farm as a Second Principal Use - A wind farm shall be permitted on a property with an existing use subject to the following land development standards:
 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed wind farm and that vehicular access is provided to the wind farm.

858.3 Standards and Design

- A. Windmill Height - The maximum height of any windmill tower, exclusive of blades, shall be eighty (80) meters (262.5 feet) unless otherwise approved by the Township.
- B. Parcel Size; Setbacks
 1. Separate Parcel - If the parcel on which the wind farm is a separate and distinct parcel, the zoning district

minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.

2. Lease, License or Easement - If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
 3. Principal Structures - No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- C. Windmill Support Structure Safety - Proposed windmills shall be safe and the surrounding areas shall be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Windmill and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.
- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- E. Landscaping - Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.
- G. Access; Required Parking - Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- H. Color and Lighting; FAA and PA DOT Notice - Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- I. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by

remedial measures instituted by the wind farm developer.

- J. Historic Structures - A wind farm shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- K. Standards; Certification - The design of the wind farm shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations. The operator shall repair, maintain and replace the wind turbine generators and associated equipment during the Term of this Agreement in like manner as needed to keep the Project in good repair and operating condition.
- L. Uniform Construction Code - To the extent applicable, the wind farm shall comply with the Pennsylvania Uniform Construction Code.
- M. Controls and Brakes - All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- N. Electrical Components - All electrical components of the wind farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- O. Warnings - A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (ten) feet from the ground.
- P. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indicia of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waiving, fluttering or revolving devices, but not including weather devices.
- Q. Noise: Wind farms shall comply with the standards in this §858.3,Q.

MAXIMUM SOUND LEVELS	
Period	Maximum Limits (dBA)
Monday - Saturday 7:00 a.m. – 9:00 p.m.	sixty (60) dBA at the property line of a Non-Participating Landowner*
Monday - Saturday 9:00:01 p.m. - 6:59:59 a.m. and all day Sunday	fifty (50) dBA at the property line of a Non-Participating Landowner if any Occupied Building** located on that land is within five hundred (500) feet of a wind turbine and fifty (50) dBA within five hundred (500) feet of any Occupied Building when the nearest Occupied Building is greater than five hundred (500) feet from the property line of the Non-Participating Landowner.

MAXIMUM SOUND LEVELS
<p>*<u>Non-Participating Landowner</u>: Any landowner except those on whose property all or a portion of a wind farm is located pursuant to an agreement with the wind farm Owner or Operator.</p> <p>**<u>Occupied Building</u>: A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.</p>
METHODS FOR MEASURING SOUND LEVELS
<p>Methods for measuring and reporting acoustic emissions from wind turbines and wind farms shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1-1989 titled <i>Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1: First Tier</i>.</p>

- R. Shadow Flicker - The Applicant shall use best efforts to minimize shadow flicker to any occupied building on any other parcel of a Non-Participating Landowner.
- S. Transmission and Power Lines - On-site transmission and power lines between wind turbines shall, to the greatest extent possible, be placed underground.
- T. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry to minimize the impact, if any, of stray voltage and/or EMF.
- U. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the wind farm. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind farm.
- V. Site Plan - A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.

858.4 Public Inquiries and Complaints

The wind farm owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the wind farm owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

858.5 Decommissioning

- A. The wind farm owner and operator shall, at its own expense, complete decommissioning of the wind farm, or individual wind turbines, within (12) twelve months after the end of the useful life of the wind farm or individual wind turbines. The wind farm or individual wind turbines shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B.. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

- E. The wind farm owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the wind farm owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
- F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. If the wind farm owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have six (6) months to complete decommissioning.
- H. If neither the wind farm owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. The escrow agent shall release the decommissioning funds when the wind farm owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

858.6 Review Fees

Fees for applications submitted under this §858 shall be established by resolution of the Board of Supervisors.

858.7 Wind Test Towers

In Districts where wind farms are permitted, temporary wind test towers may be erected as a principal permitted use in accord with this §858 and other applicable requirements of this Zoning Ordinance. Such towers shall be removed within twenty-four (24) months of installation.

☛ ITEM 10 - Amend §1105.4,A and §1107.2,B,2 to read as follows:

1105.4 Temporary Event Signs (including Banners)

- A. Number, Area, Height, and Location - The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign shall exceed thirty-two (32) square feet for each exposed face.

1107.2 Shopping Center and Multiple Occupant Business Identification Signs

B. Freestanding Business Identification Signs

- 2. Area - The surface area of a freestanding business identification sign shall not exceed a maximum of sixty-four (64) square feet.

REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

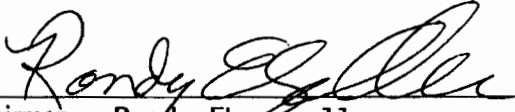
SEVERABILITY


If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions,


sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Boards of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

EATON ADOPTION

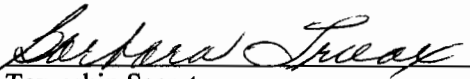
This Ordinance ordained and enacted this 9th Day of October, 2008, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.


Chairman Randy Ehrenzeller


Supervisor Kenneth White


Supervisor Miles Robinson

ATTEST:

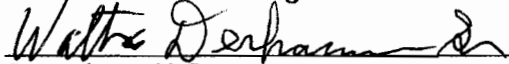

Township Secretary

MONROE ADOPTION

This Ordinance ordained and enacted this 9th Day of October, 2008, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.


Chairman William Patton


Supervisor Dale Wright


Supervisor Walter Derhammer, Sr.

ATTEST:


Township Secretary