

lines. The Zoning Officer may issue thirty-day extensions if the applicant can demonstrate that the nature of the proposed activity is ongoing and reasonable progress requires additional time, and has a definitive ending date identified by the applicant beyond which the use shall cease.

ARTICLE IX

Regulation of Wind Energy Facilities and Small Wind Energy Conversion Systems [Added 8-4-2014 by Ord. No. 1-2014]

§ 246-71. Wind energy facilities.

- A. Definitions as used in this article. The following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

APPLICANT — The person or entity filing an application for a permit under this section.

FACILITY OWNER — The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

HUB HEIGHT — The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

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

WIND ENERGY FACILITY — An electric generation facility whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include a stand-alone wind turbine constructed primarily for on-site residential, on-site commercial or on-site farm use.

WIND TURBINE — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any.

- B. Information to be submitted. The applicant for a wind energy facility shall be required to submit the following information:
- (1) The applicant and landowner's name and contact information.
 - (2) The Tax Map numbers, existing use and acreage of the site parcel.
 - (3) A copy of the deed to the property.
 - (4) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the generating capacity of the wind energy facility; the number, representative types and height of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- (5) A survey map at an appropriate scale, showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sites within a distance of 2,000 feet or less from any property boundary.
 - (6) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and an engineering analysis and certification of the wind turbine, showing compliance with the applicable building code.
 - (7) The make, model, picture and manufacturer's specifications, including noise decibels. Data pertaining to the wind turbine's safety and stability, including safety results from test facilities. The design of the wind energy facility 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.
 - (8) A completed environmental impact statement.
 - (9) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than six inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
 - (10) No fewer than four, and no more than the number of proposed individual wind turbines, plus three color photos, no smaller than eight inches by 10 inches, taken from locations within a three-mile radius from the site and to be selected by the Township Board of Supervisors, and computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from these locations.
 - (11) Copies of all proposed leases required to be secured by the applicant shall be provided if the applicant is not the sole owner of the parcel or parcels on which the wind energy facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
 - (12) Copies of all easements, existing and proposed, upon the site shall be provided by the applicant. Said easements shall be clearly illustrated upon the site plan.
 - (13) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located, including the name and mailing address of the owners of record.
- C. Conditional use.
- (1) Wind energy facilities shall be considered a conditional use in all GI General Industrial Districts, LI Light Industrial Districts, R Rural Districts and CR Conservation and Recreation Districts. Wind energy facilities are not permitted in

any other Township zoning districts. Application for the establishment, use, operation or maintenance of a wind energy facility is to be submitted to the Township Zoning Officer, together with the payment of all prevailing permit fees. An application for conditional use is to be submitted to the Township Zoning Officer, together with payment of all prevailing conditional use application fees.

- (2) The Board of Supervisors shall consider the conditional use application and in deciding whether to grant conditional use approval, shall apply the standards and criteria set forth in the Pennsylvania Municipalities Planning Code for conditional use approval and the requirements set forth in this chapter. The Board of Supervisors shall render its decision in accordance with the requirements of the State Municipalities Planning Code and the chapter.
- D. Approval standards. In addition to all other applicable criteria and requirements for approval of a conditional use, the following standards shall apply:
- (1) The minimum distance between the ground and any part of the rotor blade system shall be 30 feet.
 - (2) To limit unauthorized access, a fence eight feet high with a locking portal shall be placed around the base of the tower of a wind turbine. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - (a) Tower-climbing apparatus located no closer than 15 feet from the ground.
 - (b) A locked anti-climb device installed on the tower.
 - (3) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.
 - (4) All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 - (5) All power transmission lines from a wind turbine to on-site substations shall be underground.
 - (6) Prior to issuance of a building permit, the applicant shall provide the Township proof of a level of insurance to be determined by the Township Board of Supervisors in consultation with the Township's insurer, to cover damage or injury that might result from the failure of a tower or towers of a wind turbine or any other part or parts of the generation and transmission facility. Said insurance must be maintained for the life of the wind energy facility, until such time that all components of the wind energy facility are decommissioned and/or removed.
 - (7) Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign containing emergency contact information, including a local telephone number with twenty-four-hour coverage, seven days a week, shall be posted on the entry area of fence around each wind turbine or group of towers and any building.

- (8) Any wind energy facility found to be unsafe by the local enforcement officer or agent of the Township shall be repaired by the facility owner and/or operator to meet federal, state and local safety standards or removed within six months. If any wind energy facility is not operated for a continuous period of 12 months, the Township will notify the facility owner by registered mail and provide 45 days for a response. In such a response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Township deems the timetable for corrective action as unreasonable, it must notify the facility owner and such facility owner shall remove the turbine within 120 days of receipt of notice from the Township. If a facility owner who is not the landowner upon which the wind energy facility is located fails to remove the turbine within 120 days of receipt of notice from the Township, the Township shall have the option of requiring the landowner to do so.
- (9) The owner of a wind energy facility shall have it inspected at least every two years for structural and operational integrity by a licensed professional engineer and shall submit a copy of the inspection report to the Township. If such report recommends that repairs or maintenance are to be conducted, the owner shall provide to the Township with a written schedule for the repairs or maintenance and shall give written notice to the Township when the repairs or maintenance have been completed.
- (10) A wind energy facility shall comply with all applicable provisions under the Pennsylvania Uniform Construction Code and shall secure a building permit from Fairview Township.
- (11) The design of the wind energy facility 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 Engines, or other similar certifying organizations.
- (12) All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

E. Siting and installation. A wind energy facility shall:

- (1) Use existing roads to provide access to the facility site, or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.
- (2) Combine transmission lines and points of connection to local distribution lines.
- (3) Connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.
- (4) All wiring between wind turbines and the wind energy facility substation shall be underground.
- (5) On-site transmission and power lines between wind turbines shall be placed underground.

- (6) The wind energy facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to wind energy facilities, and the wind energy facility shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

F. Setbacks.

- (1) The minimum setback distance between each wind turbine and overhead utility or transmission lines, other wind turbine, electrical substations, meteorological towers, and public roads shall be equal to no less than 1.1 times the sum of proposed structure height plus the rotor radius.
- (2) The minimum setback distance for each wind turbine to any property line shall be not less than 1,500 feet.
- (3) The minimum setback distance for each wind turbine to off-site structures shall be not less than five times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of an off-site structure, or 1,500 feet, whichever is greater.
- (4) All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
- (5) Each wind turbine shall be set back from the nearest aboveground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
- (6) A wind turbine shall be set back at least 1,500 feet from any bodies of water, including but not limited to lakes, ponds, streams, creeks and rivers. The above setback distance may be altered based upon the findings of the environmental impact statement.
- (7) All reasonable efforts shall be made to avoid development of sites which contain wetlands. Wind turbines shall be set back not less than 1.1 times the turbine height from identified wetlands and their delineated boundaries. The above setback distance may be altered based upon the findings of the environmental impact statement.
- (8) Waiver of setbacks. Upon request, the governing body may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, and provided that such a waiver will not be contrary to the public health, safety or welfare. The governing body may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements hereunder.

G. Nuisance issues.

- (1) Individual wind turbines shall be located so that the level of noise produced by wind turbine operation shall not exceed 55 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from

wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1, 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."

- (2) No individual wind turbine shall be installed in any location where its proximity to fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
- (3) Reasonable efforts shall be made to preclude shadow flicker to any building on a nonparticipating landowner's property.

H. Environmental and visual.

- (1) Wind energy facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- (2) The design of the wind turbines, buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- (3) Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines to minimize the visual contrast from any public access.
- (4) The maximum turbine height, as so defined in this chapter, shall not exceed 350 feet.
- (5) Wind turbines shall be designed and located to minimize adverse visual impacts from neighboring residential areas, to the greatest extent feasible.
- (6) Wind energy facilities shall avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as electrical equipment boxes on or near the ground that can provide shelter and warmth; horizontal perching opportunities on the towers or related structures; or soil where weeds can accumulate.
- (7) Wind energy facilities shall provide conclusive documentation that the location and operation of the proposed facility will not adversely affect the wildlife habitat, including but not limited to bats and birds of the region and associated migration routes. Comments from any state and/or federal agency having a jurisdictional review or stewardship over the protection of wildlife shall be required.

I. Warning the public.

- (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

- (2) Visible, reflective, color objects, such as flags, reflectors or tape, shall be placed on the anchor point of guy wires and along guy wires up to a height of 10 feet from the ground.
- J. Climb prevention/locks.
 - (1) Wind turbines shall not be climbable up to 15 feet above ground surface.
 - (2) All access doors to wind turbines and electrical equipment shall be locked or fenced as appropriate, to prevent entry by nonauthorized persons.
- K. Use of public roads.
 - (1) The applicant shall identify all state and local public roads to be used within the Township of Fairview to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
 - (2) The Fairview Township Engineer or a qualified third-party engineer hired by the Township and paid for by the applicant shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.
 - (3) The Township may require the bonding of the road in compliance with state regulations.
 - (4) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
 - (5) The applicant shall demonstrate that it has appropriate liquid financial resources to ensure the prompt repair of damaged roads. A financial statement of the applicant must be produced at the time of application for the permit.
- L. Local emergency services. The applicant shall provide a copy of the project summary and site plan to local emergency services, including Police Department, Fire Companies and emergency medical responders. Upon request, the applicant shall cooperate with all police, fire, and emergency service providers to develop and coordinate implementation of an emergency response plan for the wind energy facility.
- M. Liability insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in aggregate. Certificates shall be made available to the Township upon request.
- N. Maximum turbine height. The maximum turbine height, as so defined herein, shall not exceed 350 feet.
- O. Inspection reports. The owner of the wind energy facility shall have it inspected each year for structural and operational integrity by a licensed professional engineer and shall submit a copy of the inspection report to the Township Zoning Officer no later than December 31 of each year. If such report recommends that repairs or maintenance are to be conducted, the owner shall provide the Township Zoning Officer with a written schedule for the repairs or maintenance and certify the completion thereof.
- P. Decommissioning.

- (1) The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (3) Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- (4) 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 Board of Supervisors after the first year of operation and every fifth year thereafter.
- (5) The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth chartered lending institution chosen by the facility 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 Board of Supervisors.
- (6) 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 Board of Supervisors.
- (7) If the facility owner or operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six months to complete decommissioning.
- (8) If neither the facility owner or operator nor the landowner completes decommissioning within the periods prescribed herein, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of a participating landowner agreement to the Township shall constitute agreement and consent of the parties, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- (9) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township Supervisors concur that decommissioning has been satisfactorily completed, or upon written approval of the Township Supervisors in order to implement the decommissioning plan.

Q. Public inquiries and complaints.

- (1) The facility owner and operator shall maintain a phone number and identify a responsible person for the Township and the public to contact with inquiries and complaints throughout the life of the project.
- (2) The facility owner and operator shall make reasonable efforts to respond to the Township and the public's inquiries and complaints.

R. Remedies and enforcement.

- (1) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this section, or any permit issued under this chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this section or any permit issued under this chapter.
- (2) Any person, firm, corporation or other entity who shall violate any provisions of § 246-71 shall be subject to all of the enforcement, violations and penalty provisions, including those of a criminal nature, set forth in § 246-6 of this chapter, and including all enforcement, violations and penalty provisions set forth in the State Municipalities Planning Code, as amended.

§ 246-72. Small wind energy conversion system ("small WECS").

- A. A "small WECS" is a wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, which is intended to primarily reduce consumption of utility power at that location and not for resale.
- B. A small WECS for the purpose of serving residential, commercial or farm buildings on-site shall be permitted as a conditional use in LDR Low Density Residential Districts, MDR Medium Density Residential Districts, MHDR Medium High Density Residential Districts, NC Neighborhood Commercial Districts, HC Highway Commercial Districts, LI Light Industrial Districts, GI General Industrial Districts, and R Rural Districts. The Board of Supervisors shall consider the conditional use application and apply the standards and criteria for the grant of a conditional use set forth in the Pennsylvania Municipalities Planning Code and the requirements set forth in this chapter.
- C. Design and installation.
 - (1) Design safety certification. The design of a small WECS 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.
 - (2) All components of a small WECS shall be designed and constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform Construction Code.

- (3) Controls and brakes. A small WECS 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.
 - (4) Electrical components.
 - (a) All electrical components of a small WECS shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
 - (b) The maximum turbine power output shall be limited to 10 KW.
 - (c) All on-site electrical wiring associated with the system shall be installed underground except for tie-ins to a public utility company and public utility company transmission poles, towers and lines.
 - (d) A small WECS shall not cause disruption or loss of radio, telephone, television or similar signals, and shall be required to mitigate any harm caused by the operation of the system.
 - (e) At least one sign shall be posted on the tower at a height of five feet, warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, or generator where it would be visible from the ground, except that a system or tower manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
 - (f) Anchor points for any guy wires for a small WECS shall be located within the property that the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three feet to eight feet above the ground.
- D. Visual appearance.
- (1) A visual analysis of a small WECS as intended to be installed shall be provided. The visual analysis shall include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points.
 - (2) Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
 - (3) A small WECS's tower and blades shall be painted a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate nonreflective surfaces to minimize any visual disruption.
 - (4) A small WECS shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:

- (a) Shall not project above the top of ridgelines.
 - (b) Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
- E. Lot size, setback and height requirements.
 - (1) The maximum turbine height for a small WECS shall be as follows:
 - (a) On parcels less than two acres, 35 feet.
 - (b) On parcels between two acres and five acres: 65 feet or less.
 - (c) On parcels of five or more acres: 80 feet or less.
 - (2) Setback requirements. A small WECS shall not be located closer to a property line than 2.5 times the turbine height as measured from the center of the base and/or concrete pad to which it is attached. Other facilities must follow generally applicable setbacks within the particular zoning district in which the site of the facilities are to be constructed and maintained.
 - (3) No more than two WECSes shall be located upon a legal lot or serve a single commercial, residential or farm structure.
- F. Climb prevention/locks.
 - (1) Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - (a) Tower-climbing apparatus located no closer than 15 feet from the ground.
 - (b) A locked anti-climb device installed on the tower.
 - (2) A locked, protective fence at least six feet in height shall enclose the tower and electrical equipment to prevent entry by nonauthorized persons.
- G. Noise and shadow flicker.
 - (1) Audible sound from a small WECS shall not exceed 50 dBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from the operations of a small WECS shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1, 1989, titled "Procedures for the Measurement and Reporting of the Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."
 - (2) Reasonable efforts shall be made to preclude shadow flicker to any occupied building on a nonparticipating landowner's property.
 - (3) The structure and all appurtenances of the WECS shall be subject to site plan review by the Fairview Township Planning Commission. The site plan shall be drawn to an appropriate scale and shall provide construction details and show the location of all existing public roads, existing structures, utility lines and all structures, facilities and power lines to be constructed on the site, as well as the

identifying adjoining property owners and the location of any structures on adjoining properties within 100 feet of the common property lines. The site plan also shall include the following information: the applicant and landowner's name and contact information; the Tax Map numbers, existing use and acreage of the site parcel; and a copy of the deed to the property. The applicant shall pay all application fees at time of submission of the application and request for conditional use approval. Once site plan review has been completed by the Fairview Township Planning Commission and the results of that review have been forwarded to the Township Board of Supervisors, a conditional use hearing will be scheduled before the Board of Supervisors.

- (4) The property owner shall construct and maintain the WECS in a safe manner so as not to present a danger to neighbors or to present an unsightly appearance. The property owner receiving conditional use approval shall annually provide a verified report of a qualified contractor, certifying as to the structural integrity of the tower and windmill assembly, to the Township Zoning Officer. Failure to provide an annual report within 60 days of the end of each calendar year shall result in the termination of the authorization to maintain the WECS and subject the property owner to an order for immediate removal of the tower.
- H. Abandonment. A small WECS which is not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.
- I. Remedies and enforcement.
- (1) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this section, or any permit issued under this chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this section or any permit issued under this chapter.
 - (2) Any person, firm, corporation or other entity who shall violate any provisions of § 246-72 shall be subject to all of the enforcement, violations and penalty provisions, including those of a criminal nature, set forth in § 246-6 of this chapter and including all enforcement, violations and penalty provisions set forth in the State Municipalities Planning Code, as amended.