

**TOWNSHIP OF EAST HEMPFIELD
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EAST HEMPFIELD, LANCASTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF CHAPTER 270 OF THE EAST HEMPFIELD TOWNSHIP CODE; PROVIDING FOR PURPOSES RELATED TO THE ADOPTION OF THE AMENDMENTS; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF WIRELESS FACILITIES, SMALL CELL WIRELESS FACILITIES, AND MACROCELL WIRELESS FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. Purposes

A. Purposes.

- (1) The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Facilities in East Hempfield Township (referred to herein as the “Township”). While the Township recognizes the importance of Wireless Facilities in providing high quality communications service to its residents, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions.
- (2) By enacting these provisions, the Township intends to:
 - (i) Accommodate the need for Wireless Facilities while regulating their location and number so as to ensure the provision of necessary services;
 - (ii) Provide for the managed development of Wireless Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - (iii) Establish procedures for the design, siting, construction, installation, maintenance and removal of both Small Cell and Macrocell Wireless Facilities in the Township, including facilities both inside and outside the public Rights-of-Way;

- (iv) Address new wireless technologies, including but not limited to, Distributed Antenna Systems, Small Cells, data collection units, cable Wi-Fi and other Wireless Facilities;
- (v) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless services collocate their commercial communications antennas and related facilities on existing towers;
- (vi) Promote the health, safety and welfare of the Township's residents.

SECTION II. Amendment to Article II, Section 270-2.2, Definitions

Article II, Section 270-2.2 of the Zoning Ordinance is hereby amended by deleting all definitions under the “Communication Antenna and Towers Terms and Phases” heading adding following definitions to the “Definitions” section:

Wireless Facilities Definitions and Phrases

1. *Action or to Act* – the Township’s grant of an application or issuance of a written decision denying a siting application.
2. *Antenna* – a Wireless Facility apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any comingled information services. For the purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of the FCC ruling.
3. *Application* – a written submission to the Township requesting authorization for the deployment of a Wireless Facility at a specified location.
4. *Authorization* – any approval the Township must issue under applicable law prior to the deployment of Wireless Facilities, including, but not limited to, building permit, zoning approval, and highway occupancy permit.
5. *Antenna Equipment* – Wireless Facility equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
6. *Base Station* – a structure or equipment at a specified, fixed location that enables licensed or authorized wireless communication between user equipment and a communications network, generally consisting of radio transceivers, antennas, cables, power supplies and other associated equipment. The term does not encompass a tower as defined in this Chapter or any equipment associated with a tower.

7. *Collocation* – consistent with the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, means:
 - (a) mounting or installing of new Wireless Facility on a pre-existing and/or previously approved and constructed Wireless Support Structure or any other structure not classified as a Wireless Support Structure that can support the mounting or installing of a Wireless Facility if previously approved by the Township, and/or
 - (b) modifying a pre-existing and/or previously approved and constructed Wireless Support Structure or any other structure not classified as a Wireless Support Structure that can support the mounting or installing of a Wireless Facility if approved by the Township for the purpose of mounting or installing a new Wireless Facility on that structure. This term includes attaching, installing, replacing, or modifying wireless accessory equipment within a previously approved equipment compound.
8. *Decorative Pole* – a municipal pole that is specifically designed and placed for aesthetic purposes.
9. *Deployment* – attachment, placement, construction, installation, or modification of a Wireless Facility.
10. *Distributed Antenna System (DAS)* – network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure and consist of:
 - (a) Remote communications or antenna nodes deployed throughout a desired coverage area, including at least one antenna for transmission and receptions;
 - (b) A high capacity signal transport medium that is connected to a central communications hub site; and
 - (c) Radio transceivers located at the hub site to process and control the communications signals transmitted and received through the antennas to provide wireless or mobile service within a geographic area or structure.
11. *Eligible Support Structure*-- Any wireless support structure that the Zoning Hearing Board has previously approved and/ or has previously received a zoning and building permit to support one or more wireless facilities at the time an application for a collocated wireless facility or modification is submitted to the Township.
12. *Emergency* – a condition that:
 - (a) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or
 - (b) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
13. *FCC* – Federal Communications Commission.

14. *Height of a Wireless Support Structure* – the vertical distance from the average finished grade at ground level, as measured from the average finished grade, measured six (6) feet away from the foundation or base to the highest point on the structure vertically, which shall include antennae and subsequent alterations and collocations, and any other appurtenances.

15. *Macrocell Wireless Facility (Macrocell WF)* – any Wireless Support Structure that is used for the primary purpose of supporting one or more Wireless Facilities, including, but not limited to, freestanding pole, tower, self-supporting lattice tower, guy tower, base station, building, water tank, or any other structure not classified as a Wireless Support Structure that could support the placement or installation of a Wireless Facility if approved by the Township and meets the following criteria:
 - (a) is greater than 50 feet in height; or
 - (b) is more than 10 percent taller than other adjacent structures, or
 - (c) extends existing structures on which they are located to a to a height of more than 50 feet or by more than 10 percent, whichever is greater; and
 - (d) The facility requires antenna structure registration with the Federal Communications Commission;
 - (e) is not a Small Cell Wireless Facility.

16. *Modification or Modify* – the improvement, upgrade or expansion of existing Wireless Facilities or base stations on an existing Wireless Support Structure or the improvement, upgrade, or expansion of the Wireless Facilities located within an existing equipment compound, if the improvement, upgrade, expansion or Replacement does not substantially change the physical dimensions of the Wireless Support Structure.

17. *Monopole* – a Wireless Support Structure or site which consists of a single, freestanding pole, designed and erected on the ground or on top of a structure, to support Wireless Facilities and connecting appurtenances.

18. *Municipal Pole* – a pole owned by the Township in the public right-of-way. The term does not include a utility pole owned by a PUC regulated public utility, a utility pole used to support a PUC regulated public utility service, or a utility pole located along a private road or street.

19. *Municipal Property* – any real property owned and maintained by the Township or a Township Authority. This term does not include real property owned and maintained by the Lancaster City Water Authority, or any real property owned and maintained by a fire department or any real property owned and maintained by the Hempfield School District.

20. *Person* – individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to

statutes of the Commonwealth of Pennsylvania, provided that “person” does not include or apply to the Township, or to any department or agency of the Township.

21. *Presumptively Reasonable Periods of Time*

(a) The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth below:

(i) Review of an application to collocate a Small Cell Wireless Facility using an existing structure and issuance of required approvals: 60 days.

(ii) Review of an application to collocate a facility other than a Small Cell Wireless Facility using an existing structure: 90 days.

(iii) Review of an application to deploy a Small Cell Wireless Facility using a new structure and issuance of required approvals: 90 days.

(iv) Review of an application to deploy a facility other than a Small Cell Wireless Facility using a new structure: 150 days.

(b) Batching.

(i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (21)(a)(i) or paragraph (21)(a)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.

(ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (21)(a)(i) and deployments that fall within paragraph (21)(a)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.

(iii) The Township may not refuse to accept applications under paragraphs (21)(b)(i) and (21)(b)(ii).

22. *Right-of-Way* – shall mean a public right-of-way, public utility easement, highway, street, bridge, tunnel, alley, or road, regardless of which governmental entity has jurisdiction and control over such, and includes the surface, the air space over the surface and the area below the surface. This term shall not include private property, any real or personal Municipal Property except as defined in this Chapter, or any Township buildings, fixtures, poles, conduits, facilities, or other structures or improvements, regardless of whether they are situated in the public right-of-way.

23. *Replacement* – the Replacement of existing Wireless Facilities on an existing Wireless Support Structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the Wireless Facilities initially installed and that does not substantially change the physical dimensions of the existing Wireless Support Structure.

24. *Shot Clock Date* – The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to the Shot Clock Period and including any pre-application period asserted by the Township; provided, that if the date calculated in this manner is a holiday as established by the Board of Supervisors, the shot clock date is the next business day after such date.
25. *Shot Clock Period* – The shot clock period for a siting application is the sum of:
- (a) the number of days of the presumptively reasonable period of time for the pertinent type of application, plus
 - (b) the number of days of the tolling period, if any.
26. *Small Cell Wireless Facility (Small Cell WF)* – a singular or standalone Wireless Facility that meets each of the following criteria:
- (a) The Wireless facility:
 - (i) is mounted on structures 50 feet or less in height including their antennas, or
 - (ii) is mounted on structures no more than 10 percent taller than other adjacent structures within a 250-foot radius, or
 - (iii) does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
 - (b) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
 - (c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is cumulatively no more than 28 cubic feet in volume; and
 - (d) The facility does not require antenna structure registration with the Federal Communications Commission; and
 - (e) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by the Federal Communications Commission.
27. *Spectrum Act* – the federal Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) requires a State or local government to approve any eligible facilities request for a modification of an existing Wireless Support Structure or base station that does not substantially change the physical dimensions of such Wireless Support Structure or base station.

28. *Stealth Design* – means a method of camouflaging applied to any antenna, tower, Wireless Facilities, Wireless Support Structures, and wireless accessory equipment that enhances compatibility with adjacent land uses and which is visually and aurally unobtrusive. Stealth design may include a repurposed structure. Stealth designs could include, but are not limited to the following: church steeple, windmill, bell tower, cupola, Township-approved light standard, flagpole with or without a flag, architecturally-screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, trees, shrubs, bushes, etc.
29. *Substantially Change or Substantial Change* - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
- (a) For Wireless Support Structures other than Wireless Support Structures in the public rights-of-way, it increases the height of the existing Wireless Support Structure by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - (b) For Wireless Support Structures other than Wireless Support Structure in the public rights-of-way, it involves adding an appurtenance to the body of the existing Wireless Support Structure that would protrude from the edge of the Wireless Support Structure more than twenty feet, or more than the width of the Wireless Support Structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - (i) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for Wireless Support Structure in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the support structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the support structure;
 - (ii) It entails any excavation or deployment outside the current site;
 - (iii) It would defeat the concealment elements of the eligible support structure; or
 - (iv) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible Wireless Support Structure or base station equipment, provided however that this limitation does not apply to any modification that

is non-compliant only in a manner that would not exceed the thresholds identified in §1.40001(b)(7)(i) through (iv).

30. *Technically Feasible* – means by virtue of engineering or spectrum usage, the proposed placement for a Wireless Facility or its design or site location can be implemented without a reduction in the functionality of the Wireless Facility.
31. *Tolling Period* – Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth below:
 - (a) For an initial application to deploy Small Cell Wireless Facilities, if the Township notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.
 - (b) For all other initial applications, the tolling period shall be the number of days from:
 - (i) The business day after the date when the Township notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation, until
 - (ii) The date when the applicant submits all the documents and information identified by the Township to render the application complete,
 - (iii) But only if the notice pursuant to paragraph (29)(b)(i) is effectuated on or before the 30th day after the date when the application was submitted; or
 - (c) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from:
 - (i) The business day after the date when the Township notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the Township's original request under paragraph (24)(a) or paragraph (24)(b) of this section, until:
 - (ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete,

- (iii) But only if the notice pursuant to paragraph (24)(c)(i) is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority's request under paragraph (24)(a) or paragraph (24)(b) of this section.
32. *WBCA* – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*).
 33. *Wireless* – transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
 34. *Wireless Accessory Equipment* – any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support Structure. The term “wireless accessory equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
 35. *Wireless Equipment* – equipment that facilitates transmission for any licensed or authorized wireless service, including, but not limited to, radio transceivers, antennas, cables, and regular and backup power supply.
 36. *Wireless Equipment Compound* – an area surrounding or adjacent to a Wireless Support Structure within which base stations, power supplies, wireless equipment, or wireless accessory equipment are located.
 37. *Wireless Facility (WF)* – all equipment and network components, including but not limited to antenna facilities, antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment, or any structure used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless services, whether such service is provided on a stand-alone basis or commingled with other wireless services. Wireless Facilities shall include Distributed Antenna Systems.
 38. *Wireless Facility Applicant (WF Applicant)* – any person that applies for a Wireless Facility building permit, zoning approval, highway occupancy permit, and/or permission to use the public Right-of-Way (ROW) or other Township owned land or property.
 39. *Wireless Infrastructure Provider* – a person authorized to provide telecommunication service in the Commonwealth that builds or installs wireless communication transmission equipment, Wireless Facilities, or Wireless Support Structures but is not a Wireless Service Provider.
 40. *Wireless Services* – services, whether at a fixed location or mobile, provided to the public using Wireless Facilities.
 41. *Wireless Services Provider* – a person who provides wireless services.
 42. *Wireless Support Structure* – a freestanding pole, tower, base station, building, water tank, whether or not it has an existing antenna facility, or any other structure not classified as a Wireless Support

Structure that could support the placement or installation of a Wireless Facility if approved by the Township and is used or to be used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless services.

- 43. *Wireless Support Structure Site* – for Wireless Support Structures other than Wireless Support Structures in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Wireless Support Structure and any access or utility easements currently related to the site, and , for the other eligible support structures, further restricted to that area in proximity to the support structure and to other wireless equipment already deployed on the ground.
- 44. *Utility Pole* – means a pole or similar structure that is or may be used in whole or in part to provide communications services or for electrical distribution, lighting traffic control, signage, or a similar function, or for collocation. The term includes the vertical support structure for traffic lights but does not include Wireless Support Structures or horizontal structures to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less, unless an authorization was granted for such pole.

SECTION III: Amendment of Certain Communication Facilities Provisions

The terms, conditions, and provisions of Sections 270-3.2(B), 270-3.3(B), 270-3.4(B), 270-3.5(B), 270-3.6(B), 270-3.7(B), 270-3.8(B), 270-3.9(B), 270-3.10(B) 270-3.11(B), 270-3.12(B), and 270-3.14(B), relating to communications antennas and/or towers are hereby amended to provide that WF Collocations are permitted uses.

SECTION IV: Amendment of Certain Communications Facilities Provisions

The terms, conditions, and provisions of Sections 270-3.2(B), 270-3.3(B), 270-3.4(B), 270-3.9(B), 270-3.10(B) 270-3.11(B), and 270-3.12(B), relating to communications antennas and/or towers are hereby amended to provide that ROW WFs, ROW Small Cell WFs, and ROW Macrocell WFs are permitted uses.

SECTION V: Amendment of Certain Communications Facilities Provisions

The terms, conditions, and provisions of Sections 270-3.2(D), 270-3.3(D), 270-3.4(D), 270-3.9(D), 270-3.10(D), 270-3.11(D), and 270-3.12(D) relating to special exception uses are hereby amended to provide that Small Cell WFs and Macrocell WFs are permitted only by special exception.

SECTION VI: REPEALER AND ADOPTION OF NEW WIRELESS FACILITIES PROVISIONS

Article IV, Section 270-5.2(Q) of the East Hempfield Township zoning ordinance is hereby repealed in its entirety and replaced with a new Section 270-5.2(Q) entitled and provided for as follows:

§270-5.2(Q) Wireless Facilities

- (1) General and Specific Requirements for Wireless Facilities. The following regulations shall apply to all WF:

- (a) Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Section 270-4.2(Q)(1). For residential uses, the following types of antennas may be installed:
- [1] Satellite dishes up to two feet in diameter.
 - [2] Traditional television or radio antennas up to five feet in height above the highest point of the roof used solely for household television and/or radio reception.
 - [3] No more than one shortwave, citizens' band (CB), or ham radio antenna up to 15 feet in height to be located in the rear yard only.
- (b) Prohibited on Certain Structures. No WF shall be located on single-family detached residences, single-family attached residences, semi-detached residences, duplexes, townhomes, multifamily dwellings, or any residential accessory structure.
- (c) Airport Hazard Overlay Zone. All WF located within the Airport Hazard Overlay (AHO) Zone shall comply with all applicable regulations of Section 270-3.16 of the Township Zoning Ordinance.
- (d) Standard of care. Any WF shall be designed, constructed, operated, maintained repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania Uniform Construction Code, and the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, as applicable. Any WF shall always be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the Township.
- (e) Design Regulations.
- [1] Wind and ice. All WFS shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
 - [2] Stealth Design. WFs shall employ stealth design and be treated to match the Wireless Support Structure to minimize aesthetic impact. The application of the stealth technology utilized by the WF applicant shall be subject to the approval of the Township
 - [3] Aviation safety. WF shall comply with all federal and state laws and regulations concerning aviation safety.

- [4] Public safety communications. WF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- [5] Small Cell WF Design Standards. All Small Cell WFs shall be designed and maintained in compliance with the following aesthetic standards:
 - [a] All Small Cell WFs shall be installed in and maintained in a workmanlike manner in compliance with the National Electric Safety Code and the National Electrical Code, as applicable.
 - [b] All Small Cell WFs in the ROW shall comply with the Americans with Disabilities Act guidelines adopted by the Township and all applicable requirements relating to streets and sidewalks as established by Chapter 222 of the Township Code.
 - [c] Utility poles shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines in an unsafe manner.
 - [d] All Small Cell WFs shall comply with applicable federal and state standards regarding pedestrian access and movement.
 - [e] All Small Cell WFs shall be designed and constructed in an effort to minimize aesthetic impact to the extent technically feasible.
 - [f] No Small Cell WFs shall be permitted on an existing Decorative Pole.
 - [g] All pole-top Small WFs shall be flush-mounted as closely to the top of the utility pole as technically feasible.
 - [h] All Small WFs mounted on a lateral standoff bracket shall protrude no more than necessary to meet required NESC clearances.
 - [i] Wireless Accessory Equipment shall be mounted flush to the side of a utility pole, or as near flush to the side of a utility pole as technically feasible.
 - [j] All Wireless Accessory Equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions technically feasible.
 - [k] Exposed wiring is prohibited on any Small Cell WF. All wiring associated with a Small Cell WF shall be contained within conduit or U-guard that is flush-mounted to the utility pole. Any conduit or U-guard shall be of a color that matches the utility pole to which the Small Cell WF is attached. Loops of excess wiring shall not be attached to any Small Cell WF or utility pole.
 - [l] The maximum height of any Small WF shall be: 1) no more than ten (10%) taller than the tallest existing utility pole in the ROW within a two hundred fifty (250) foot

radius of the proposed Small Cell WF, or 2) fifty (50) feet above ground level, whichever is greater.

[m] Any replacement utility pole shall be placed within a five (5) foot radius of the existing utility pole being replaced.

[n] Any new utility pole shall be installed in accordance with the predominant pattern of existing adjacent utility poles and structures.

(f) Radio frequency emissions. A WF shall not, by itself or in conjunction with other WFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The owner or operator of such WF shall submit proof of compliance with all applicable radio frequency emissions standards to the Township on an annual basis. If a violation of the aforementioned radio frequency emissions standards is found, the Township may require, upon notice by the owner of the WF that the violation has been cured, independent verification by a third-party inspector at the cost of the owner of the WF.

(g) Removal.

[1] The removal and replacement of WF and/or wireless accessory equipment for the purpose of upgrading or repairing the WF is permitted, so long as such repair or upgrade does not substantially change the overall height of the WF, constitute a substantial change, or increase the number of antennas.

[2] Any substantial change to a WF shall require new authorizations, approvals and permits as determined by the Township Zoning Officer.

[3] In the event that use of a WF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WF, or portions of WF, shall be removed as follows:

[a] All abandoned or unused WFs and wireless accessory equipment shall be removed within sixty (60) days of the cessation of operations at the site unless a time extension is approved by the Township.

[b] If the WF or wireless accessory equipment is not removed within sixty (60) days of the cessation of operations at a site, or within any longer period approved by the Township, the WF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WF or the owner of the property.

(h) Inspection. The Township reserves the right to inspect any WF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the

Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

- (i) Insurance. Each person that owns or operates a Macrocell WF shall provide the Township with a certificate of insurance **on an annual basis**, evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence, property damage coverage in the minimum amount of \$5,000,000 per occurrence, and environmental impairment liability coverage in the minimum amount of \$5,000,000 per occurrence covering the Macrocell WF. Each person that owns or operates a Small Cell WF shall provide the Township with a certificate of insurance **on an annual basis**, evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence, property damage coverage in the minimum amount of \$1,000,000 per occurrence, and environmental impairment liability coverage in the minimum amount of \$1,000,000 per occurrence covering each Small Cell WF. Each person that owns or operates a Macrocell WF or Small Cell WF shall have the option to self-insure.
- (j) Indemnification. Each person that owns or operates a WF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WF. Each person that owns or operates a WF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification. **Notwithstanding the foregoing, the obligation to indemnify, hold harmless and defend shall not apply to claims arising from gross negligence by the Township or its contractors.**
- (k) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - [1] The WF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure the upkeep of the facility to promote the safety and security of the Township's residents.
 - [3] All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (l) Noise. All WF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Chapter 170 of the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

- (m) Substantially Change or Substantial Change. Collocated WFs that propose to substantially change a Macrocell or Wireless Support Structure or that constitute a substantial change are subject to the following conditions:
 - [1] The total height of any Wireless Support Structure and mounted WF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district.
 - [2] In accordance with industry standards, all WF applicants must submit documentation to the Township justifying the total height of the WF. Such documentation shall be analyzed on an individual basis.
 - [3] If the WF applicant proposes to locate the wireless accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - [4] A security fence not to exceed eight (8) feet in height shall surround any separate communications equipment building. Such fence shall not utilize barbed wire. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - [5] Any separate communications equipment building shall also be screened from view in compliance with the requirements of Chapter 265, Subdivision and Land Development of the Township Code and §270-4.13 of the Township Zoning Ordinance.
 - (n) Permit Required. Prior to the construction of any new WF, the WF applicant must obtain approval from the Township Zoning Officer and Building Code Official. The permit application shall include the following:
 - [1] The name, address and phone number of the person preparing the WF applicant;
 - [2] The postal address and/or coordinates of the proposed site;
 - [3] The location, size and total height of the proposed WF;
 - [4] The number, type and model of the antenna(s) proposed;
 - (o) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established as part of the Township fee schedule.
- (2) In addition to the requirements in Section 270-5.2(Q)(1) above, the following regulations shall apply to all Wireless Facilities to be located outside of the ROW:
- (a) Collocation. Collocation of WFs, to include Small Cell WFs, on existing Macrocell WFs and Wireless Support Structures that do not substantially change the existing Macrocell WF or Wireless Support Structure or constitute a substantial change is encouraged and shall be a

permitted use in all zoning districts to include the ROW, even if the existing Macrocell WF or Wireless Support Structure does not comply with the requirements of this Section 270-5.2 (Q), pursuant to the requirements of the WBCA.

- [1] Setbacks. Collocation of WFs are exempt from separation distances established for WFs.
 - [2] Building permit required. WFs that meet the requirements for collocation shall require a permit from the Township. The WF applicant shall submit to the Township a written and a digital copy of the permit application, plans, and any associated documentation on the form supplied by the Township and shall follow the Township Zoning Ordinance's and the Township Building Code's permit procedures.
 - [3] Timing of Approval. Within sixty (60) days of receipt of a complete application for a collocated WF on a pre-existing Macrocell WF or Wireless Support Structure, the Township shall make a final decision on whether to approve the application and shall notify the WF applicant in writing of such decision.
- (b) The following regulations shall apply to all Small Cell Wireless Facilities and Macrocell Wireless Facilities outside the ROW:
- [1] Permitted Use. Small Cell WFs and Macrocell WFs are permitted by right outside the ROW on Municipal Property in any zoning district. Applicants for such WFs shall be required to obtain authorization from the Township authorizing the use of the Municipal Property for the proposed WF. Such authorization shall be submitted as part of the application for the proposed WF.
 - [2] Special Exception Required. The following zoning districts permit Small Cell WFs requiring the installation of a new Wireless Support Structure and Macrocell WFs as uses by Special Exception:
 - [a] Agriculture (A) Zone
 - [b] Rural Business (RB) Zone
 - [c] Mineral Extraction (ME) Zone
 - [d] Low-Density Residential Zone (RL)
 - [e] Medium-Density Residential Zone (RM)
 - [f] Village Residential Zone (VR)
 - [g] Village Center Zone (VC)
 - [h] Community Business Center (CBC) Zone

- [i] Regional Commerce Center (RCC) Zone
 - [j] Campus (C) Zone
 - [k] Enterprise (E) Zone
 - [l] Recreation/Open Space (ROS)
 - [m] Agriculture Holding Zone (AH)
- [3] Development Regulations.
- [a] To the extent technically feasible, any proposed WF shall be designed structurally, electrically, and in all respects to accommodate both the WF applicant's antennae and comparable antennae for future users.
 - [b] Any Macrocell WF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
 - [c] Wireless Accessory Equipment. Either one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or its equivalent, housing the receiving and transmitting equipment, may be located on the site for each unrelated company sharing commercial communications antenna(e) space on the Macrocell WF that exceeds forty (40) feet or greater in height, and regardless of the number of unrelated companies sharing commercial space on the Macrocell WF the equipment building area shall not exceed two thousand (2,000) square feet. All wireless accessory equipment, utility buildings and wireless accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
 - [d] Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Macrocell WF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility and that the access road, turnaround space and parking is part of the easement granted.
 - [e] Engineer Certification. All plans and drawings for a WF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

- [f] Fencing and Screening. WFs, Wireless Support Structures and wireless accessory equipment outside the ROW shall provide fencing and screening according to the following:
 - [i] A security fence having a height not to exceed eight (8) feet shall completely surround any WF located outside the public rights-of-way, as well as guy wires, or any building housing wireless accessory equipment. Such fence shall not utilize barbed wire;
 - [ii] A screen of evergreen trees planted eight (8) feet on center, each at least four (4) feet in height, shall surround the Macrocell WF and security fence. Existing vegetation shall be preserved to the maximum extent possible; and
 - [iii] Any fencing and/or screening shall comply with the requirements of Chapter 265, Subdivision and Land Development of the Township Code and §270-4.13 of the Township Zoning Ordinance.
- [g] Height. WFs shall be designed and kept at the minimum functional height. The maximum total height, to include future collocations that constitute a substantial change, of a WF, which is not located in the public ROW, shall not exceed one hundred twenty-five (125) feet, as measured from the average finished grade, measured six (6) feet away from the foundation or base to the highest point on the structure vertically, which shall include antennae and subsequent alterations and collocations. No WF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WF applicant shall prove that the Macrocell WF's proposed height is the minimum height necessary for the service area.
- [h] Lighting. No WF shall be artificially lighted, except as required by law. If lighting is required, the WF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. In the event of an outage or malfunction, the WF applicant shall promptly repair or replace any required lighting as required by law.
- [i] Parking. All Macrocell WFs shall comply with the off-street parking requirements in Article 8 of this chapter.
- [j] Signs. All WFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WF shall be those required by the FCC, or any other federal or state agency.
- [k] Surrounding Environs.

- [i] The WF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to a WF and a Wireless Support Structure shall be preserved to the maximum extent possible.
- [ii] If construction of the proposed WF will involve ground disturbance, the WF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222, as amended, to document and verify the design specifications for the foundation of a WF, and anchors for guy wires, if used.
- [l] Public Property. To the extent permitted by federal and state law, WF applicants proposing WFs outside of the public ROW shall first seek to locate their facilities on public property. If public property is not a feasible siting option to provide coverage or capacity to the necessary area, private property may be utilized.
- [m] Sole use on a lot. A Macrocell WF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district. The minimum distance between the base of a Macrocell WF and building on the same property shall no exceed 50% of the proposed WF structure's height, unless the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed Macrocell WF has been designed in such a manner that a lesser setback will have no negative effects on public safety.
- [n] Combined with another use. A WF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential uses, subject to the following conditions:
 - [i] The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WF.
 - [ii] No WF shall be located on a lot with a lawful nonconforming use.
 - [iii] Minimum lot area. The lot shall comply with the minimum requirements for the applicable zoning district and shall be the area needed to accommodate the WF, to include guy wires, the equipment building, security fence, and buffer planting if the proposed WF is greater than forty (40) feet in height.
 - [iv] Minimum setbacks. The minimum distance between the base of the WF and any adjoining property line, street right-of-way line, or structure or building on the same lot shall not exceed 110% of the proposed height of the WF, unless the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed WF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

- [3] Restoration. Any lawful nonconforming WF hereafter which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be repaired and reconstructed in the same location, provided that:
- [a] The reconstructed WF shall not exceed the height, area, or volume of the damaged or destroyed WF, and such repaired or reconstructed WF shall not increase any dimensional nonconformities; and
 - [b] Repair or reconstruction must begin within one year from the date of damage or destruction, and shall be carried on without interruption; and
 - [c] The repair or reconstruction must comply with the applicable building code in effect at the time of repair or reconstruction.
- [4] Removal. In the event use of a WF is discontinued, the WF owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WFs, or portions of WFs, shall be removed as follows:
- [a] The WF owner or the property owner shall remove all abandoned or unused WFs and wireless accessory equipment within sixty (60) days of the cessation of operations at the site unless a time extension is approved by the Township.
 - [b] If the WF or wireless accessory equipment is not removed within sixty (60) days of the cessation of operations at a site, or within any longer period approved by the Township, the WF and/or wireless associated facilities and equipment may be removed by the Township and the cost of removal assessed against the WF owner or the property owner.
- [5] Timing of Approval
- [a] Small Cell WF
 - [i] For an initial application for a Small Cell WF, the Township shall notify the WF applicant that the application is materially incomplete in writing on or before the tenth (10th) day after submission. Such notice shall clearly and specifically identify the missing documents or information. The shot clock date calculation shall restart at zero on the date on which the WF applicant submits all the documents and information identified by the Township to render the application complete.
 - [ii] Within ninety (90) days of receipt of a complete application for Small Cell WF that requires the installation of a new Wireless Support Structure, the Township shall make a final decision on whether to

approve the application, shall notify the WF Applicant in writing of such decision, and, if approved, shall issue all required authorizations.

- [b] Macrocell WF
 - [i] For initial an initial application for a Macrocell WF outside the public rights-of-way, the Township shall notify the WF applicant in writing on or before the thirtieth (30th) day after submission that the application is materially incomplete. Such notice shall clearly and specifically identify the missing documents or information. Such notice shall toll the shot clock until the WF applicant submits all documents and information identified by the Township to render the application complete.
 - [ii] Within one hundred fifty (150) days of receipt of a complete application for a Macrocell WF outside the public rights-of-way, the Township shall make a final decision on whether to approve the application and shall notify the WF applicant in writing of such decision.
- [6] Zoning Hearing Board Approval. Prior to the construction of a new WF, the WF applicant must obtain approval from the Township Zoning Hearing Board. The Zoning Hearing Board application must show compliance with all General Requirements for WFs and compliance with all the following requirements:
 - [a] The name, address and phone number of the person preparing the WF applicant;
 - [b] The postal address and/or coordinates of the proposed site;
 - [c] The location, size and total height of the proposed WF;
 - [d] The number, type and model of the antenna(s) proposed;
 - [e] The make, model, type and manufacturer of the proposed Wireless Support Structure, if applicable;
 - [f] A site plan describing all proposed equipment relating to the WF;
 - [g] Certification that the radiofrequency (RF) emissions levels of the proposed WF will be, at the time of activation and throughout the life of the WF, in compliance with the standards promulgated by the FCC;
 - [h] Identify the WF's location on the property that is not owned by the WF applicant or owned, maintained, or controlled by the Township, the WF applicant must provide the Township with documentation that the owner of the property has granted an easement, if necessary;

- [i] A stamped and sealed certification by a structural engineer, licensed in the Commonwealth of Pennsylvania, of the proposed WF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure; and

- [j] If the WF applicant is proposing the construction of a new support structure for the purpose of supporting a WF, the WF applicant shall demonstrate that the proposed WF cannot be accommodated on an existing or Wireless Support Structure or sited on land owned and maintained by the Township. The Zoning Hearing Board may deny an application to construct a WF if the WF applicant has not made a good faith effort to mount the WF on an existing Wireless Support Structure. The WF applicant shall provide proof that it contacted the owners of all tall structures, buildings, and towers within a 250-foot radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - [i] The proposed WF and wireless accessory equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - [ii] The proposed WF and wireless accessory equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
 - [iii] Such existing Wireless Support Structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - [iv] A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

- [k] Upon submission of an application for a WF and the scheduling of the public hearing upon the application, the WF applicant shall send via First Class Mail and Certified, return receipt requested, Mail notice to all property owners within 500 feet of the subject property where the WF will be located. The WF applicant shall provide proof of the notification to the Township Zoning Hearing Board along with the list of return receipts received.

- [l] Prior to the Zoning Hearing Board's approval of a special exception authorizing the construction and installation of a Macrocell WF, it shall be incumbent upon the WF applicant for such special exception approval to prove to the reasonable satisfaction of the Zoning Hearing Board that the

WF applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other WFs installed on existing Wireless Support Structures, such as utility poles or their appurtenances and other available structures. The WF applicant shall further demonstrate that the proposed Macrocell WF must be located where it is proposed to serve the WF applicant's service area and that no other viable, less-intrusive alternative location exists.

- [i] The special exception application shall be accompanied by a propagation study evidencing the need for the proposed WF or other WF and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WF applicant, the power in watts at which the WF applicant transmits, and any relevant related tests conducted by the WF applicant in determining the need for the proposed site and installation. The applicant shall not be required by the Township to disclose any confidential or proprietary information as part of the propagation study.
- [m] The special exception application shall also be accompanied by documentation demonstrating that the proposed WF complies with all state and federal laws and regulations concerning aviation safety.
- [n] Where the WF is located on a property that is not owned by the WF applicant, the WF applicant shall present documentation to the Zoning Hearing Board that the owner of the property has granted permission for the installation of the Macrocell WF and also granted an easement, if necessary, for the proposed WF and that vehicular access will be provided to the facility.
- [o] Engineer Inspection. The WF applicant shall provide as part of the Zoning Hearing Board application a stamped and sealed certification from a structural engineer licensed in the Commonwealth of Pennsylvania shall issue to the Township written certification of the proposed Macrocell WF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- [p] Collocation. As a condition of approval for all WFs, the WF applicant shall provide the Zoning Hearing Board with a written commitment that it will allow other service providers to collocate WFs on the proposed WF, where technically feasible. To the extent permissible under state and federal law, the owner of a WF shall not collocate any additional antennas without obtaining the prior written approval from the Township Zoning Officer.
- [q] FCC License. Each person that owns or operates a Macrocell WF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the

facility, as a condition of Zoning Hearing Board approval for the Macrocell WF; and

- [r] Visual Appearance and Land Use Compatibility. All WFs, Wireless Support Structures, and wireless accessory equipment shall employ stealth technology which may include the Wireless Support Structure portion to be painted brown or another color approved by the Zoning Hearing Board or shall have a galvanized finish. All WFs and wireless accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- [s] Documentation demonstrating the proposed WF will comply with all applicable provisions of this Chapter;

- (3) In addition to the requirements of Section 270-5.2(Q)(1) and Section 270-5.2(Q)(2), the following regulations shall apply to all WFs located within the public rights-of-way.
 - (a) Administrative Approval. Wireless Facilities located in the public ROW that meet the definition of a Small Cell WF shall be permitted uses in all zoning districts.
 - (b) Time, Place, and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small Cell WFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - (c) Equipment Location. WFs and wireless accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - [1] For pole-mounted WFs, all wireless accessory equipment shall be housed within the pole, unless the applicant shows to the satisfaction of the Township that housing the wireless accessory equipment within the pole is not technically feasible.
 - [2] Pole-mounted wireless accessory equipment shall have at least twelve (12) feet of ground clearance. If pole-mounted wireless accessory equipment

faces the street, it shall have at least sixteen (16) feet of ground clearance to accommodate vehicular traffic.

- [3] In no case shall ground-mounted wireless accessory equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, four (4) feet of the edge of the cartway or within an easement on a privately-owned lot.
- [4] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- [5] Any graffiti on the WF, the Wireless Support Structure or on any wireless accessory equipment shall be removed at the sole expense of the owner within thirty (30) days of notification from the Township.
- [6] Any underground vaults related to WFs shall be reviewed and approved by the Township.

(d) Design Regulations.

- [1] WF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
- [2] The WF shall employ the most current stealth technology available to blend into the surrounding environment appropriately and minimize aesthetic impact.
- [3] Antennas and pole-mounted wireless accessory equipment shall be treated to match the Wireless Support Structure and may be required to be painted, or otherwise coated, to be visually compatible with the Wireless Support Structure upon which they are mounted.
- [4] To the extent permissible under state and federal law, any height extensions to an WF shall require prior approval of the Township, and the overall height of the WF or Wireless Support Structure shall not exceed forty (40) feet.
- [5] Any proposed WF shall be designed structurally, electrically, and in all respects to accommodate both the WF applicant's antennae and comparable antennae for future users.
- [6] Any new Wireless Support Structure associated with a WF shall be of a comparable color and design to nearby utility poles.

- (e) Relocations or removal of Wireless Facilities. Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - [1] The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - [2] The operations of the Township or other governmental entity in the right-of-way;
 - [3] Vacation of a street or road or the release of a utility easement; or
 - [4] An emergency as determined by the Township.
- (f) Reimbursement for ROW Use. In addition to permit fees as described in this section, every WF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each WF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.
- (g) Separation Distance. WFs shall not be located in, or within fifty (50) feet of an area in which utilities are primarily located underground, unless the WF applicant proves to the satisfaction of the Township that installing its facility in such a location is necessary to provide coverage or capacity and that no other feasible alternative exists.

SECTION VII. Miscellaneous

- A. Police powers. The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.
- B. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
- C. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of East Hempfield Township.

DULY ORDAINED AND ENACTED this ____ day of May 2020, by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EAST HEMPFIELD
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

DRAFT

I, Cindy A. Schweitzer, Secretary of the Board of Supervisors of East Hempfield Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Hempfield Township held on May ____, 2020, at which meeting a quorum was present and voted in favor thereof.

Cindy A. Schweitzer, Secretary

DRAFT