

Appendix G

Communication Towers

TOWNSHIP OF PENN
PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO. *2014-4*

AN ORDINANCE OF THE PENN TOWNSHIP, PERRY COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF PENN TOWNSHIP AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF §1637 (COMMERCIAL COMMUNICATION TOWER) OF THE ZONING ORDINANCE; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS TELECOMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS TELECOMMUNICATION FACILITIES; AND PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY.

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

SECTION I. Short Title.

This Ordinance shall be known as the "Penn Township Wireless Communications Facilities Ordinance."

SECTION II. Purposes and Findings of Fact.

A. The purpose of this Ordinance is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Penn Township. While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

B. By enacting this Ordinance, the Township intends to:

- a. Promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities;
- b. Provide for the managed development of wireless communications 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;
- c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
- d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
- e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
- f. Protect Township residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
- g. Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

SECTION III. Definitions.

Article II, *Definitions*, Section 202, *Specific Words and Phrases*, of the Penn Township Zoning Ordinance is hereby amended as follows:

- A. Delete the definitions of *Communications Antenna*, *Communications Equipment Building*, *Communications Tower*, and *Height of a Communications Tower* from §27-202 of the Township Zoning Ordinance.
- B. Add the following definitions to the "Definitions" section of the Township Zoning Ordinance, §27-202:
 - 1. *Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna

(disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below.

2. *Co-location*—The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles or towers, electrical transmissions towers, water towers or any other structures that can support the placement or installation of wireless telecommunications facilities if approved by the municipality.
3. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
4. *Emergency*--a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
5. *Equipment Building*—An unmanned building or cabinet containing communications equipment required for the operation of a Tower-Based Wireless Communications Facility or a Non-Tower Wireless Communications Facility
6. *FCC*—Federal Communications Commission.
7. *Height of Tower-Based WCF*— The vertical distance from the ground level to the highest point on a Tower-Based WCF, including antennae mounted to the structure
8. *Monopole*—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
9. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.
10. *Persons*—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.
11. *Right-of-Way or ROW*—the surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility

purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the Right(s)-of-Way” and means in, on, over, along, above and/or under the Right(s)-of-Way.

12. *Stealth Technology*—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
13. *Substantially Change*—(1) any increase in the height of a 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 (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
14. *Tower-Based Wireless Communications Facility (Tower-Based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCFs.
15. *Township*—Penn Township, Perry County, PA
16. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
17. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
18. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property.
19. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Township.