

EAST FALLOWFIELD TOWNSHIP  
CHESTER COUNTY PENNSYLVANIA

ORDINANCE NO. 98- 2

AN ORDINANCE OF EAST FALLOWFIELD TOWNSHIP AMENDING THE EAST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 1990, BY ESTABLISHING REGULATIONS APPLICABLE TO WIRELESS COMMUNICATIONS TOWERS, ANTENNAE AND FACILITIES, AND PRESCRIBING PROCEDURES TO BE FOLLOWED TO OBTAIN MUNICIPAL APPROVAL FOR SUCH LAND USES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Fallowfield Township that the East Fallowfield Township Zoning Ordinance is amended as follows:

**SECTION 1.** Section 201 is amended as follows:

- (A) The following existing definitions are hereby deleted:

Communications Tower Public and Communications Tower Private

- (B) The following definitions are added:

Applicant. An individual or entity seeking zoning authorization or other municipal approval (e.g., a building permit). For the purposes of the regulations pertaining to Wireless Communications Facilities, the Applicant shall include the owner of any such Wireless Communications Facility or component thereof. This Ordinance shall not be construed so as to require both the owner of the Wireless Communications Facility (or component thereof, including the tower) and the provider of wireless communications services to join in an application for municipal authorization or to separately submit duplicative information or fees.

Communications Antenna. A device used to collect and/or transmit wireless communications or radio signals, including, but not limited to, panels, microwave dishes, wires, and single poles known as "whips". A communications antenna, as described herein, shall not be considered as a part of the communications antenna support structure (also known as a communications antenna support tower) for the purpose of calculating setback requirements, or limitations on the height of a communications antenna support structure or tower.

Communications Antenna Support Structure (Tower). Any pole, monopole, telescoping mast, tower, tripod, lattice construction steel structure or similar structure which supports or has attached to it a Communications Antenna(e).

Communications Antenna Support Structure Height. The vertical distance measured from the base of a Communications Antenna Support Structure at the undisturbed grade to the highest point of the structure (exclusive of any attached communication antenna). If the Communications Antenna Support Structure is on a sloped grade, then the average between the highest and lowest grades at the base of the structure shall be used in calculating the Communications Antenna Support Structure Height.

Land Site. A tract or parcel of land that contains a Wireless Communications Facility and associated parking, and may include other uses associated with and ancillary to wireless communication transmission.

Subscriber Equipment. Telecommunications hardware normally utilized by a consumer, including, but not limited to, a telephone handset, pager, two-way radio hand unit, and similar devices.

Wireless Communications Facility. The Communications Antenna(e), Communications Antenna Support Structure, Wireless Communications Equipment Building, parking, and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals.

Wireless Communications Equipment Building. A building or cabinet in which electronic receiving, relay, or transmitting equipment for a Wireless Communications Facility is housed.

## SECTION 2.

(A) The existing Sections 402.2.G (pertaining to Private Communications Towers), 402.4.C (pertaining to Public Communications Towers), 1002.2.E (pertaining to Private Communications Towers), and 1002.4.D (pertaining to Public Communications Towers) are hereby deleted.

(B) Section 402.4.C is hereby added, and reads as follows:  
Communications Antenna, Communications Antenna Support Structures (also known as Communications Antenna Support Towers), Wireless Communications Facilities and Wireless Communications Equipment Buildings, in accordance with Section 1504(A).

(C) Section 1002.4.D is hereby added, and reads as follows:

Communications Antenna, Communications Antenna Support Structures (also known as Communications Antenna Support Towers), Wireless Communications Facilities and Wireless Communications Equipment Buildings, in accordance with Section 1504(A).

**SECTION 3.** The existing Section 1504(A) (including sub-parts 1, 2, 3, 4, 5, & 6) is deleted. This Section is amended to read as follows:

§1504(A) Wireless Communications Facilities

(1) Purposes. The purpose of this subsection and the standards established herein is to govern the use, construction and siting of Wireless Communications Facilities in recognition of the nature of wireless communications systems and the Federal Telecommunications Act of 1996. These regulations are intended to:

(a) promote and protect the health, safety and general welfare, to accomplish coordinated development and to guide and protect existing and future governmental, economic, practical, social and cultural facilities, development and growth;

(b) accommodate the need for Wireless Communications Facilities, while regulating their location and minimizing the number of Wireless Communications Towers to be constructed;

(c) minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by encouraging that competing Providers of wireless communications services co-locate their Communications Antennae and related facilities on existing towers;

(d) insure the structural integrity of Communications Antenna Support Structures through compliance with applicable industry standards and regulations; and

(e) promote the health, safety and welfare of the Township's residents.

(2) Permitted Areas for Wireless Communications Facilities.

Wireless Communications Facilities, including Antennae Support Structures (or "Towers") and Wireless Communications Equipment Buildings may be located on land located within the RA-Rural Agricultural Zoning District and the OI

Office/Industrial District through the issuance of a conditional use decision and order issued by the Board of Supervisors. Additionally, Wireless Communications Facilities, including all components thereof, as specified herein, may be located on any land owned by the Township. In the case of the location of such facilities on land owned by the Township, no conditional use application or approval will be necessary; however, the Board of Supervisors will determine whether permission will be granted for the location of such facilities on Township-owned land, pursuant to the terms of a leasing or other agreement, which will incorporate the requirement of compliance with such substantive regulations of this Ordinance, including the provisions of Section 1504(A), as amended, as determined to be necessary by the Board of Supervisors.

(3) Location.

Wireless Communications Facilities may be located on a Land Site only within a zoning district where permitted as a conditional use, or on Township-owned land, or as an attachment to an existing structure, as provided herein. Prior to the issuance of a conditional use approval for the construction and installation of any Communications Antennae Support Structure, the Applicant for conditional use approval must prove by a preponderance of evidence that the Applicant cannot adequately extend or in-fill its communications system by the use of equipment such as repeaters, antennae or other similar equipment installed on existing structures, such as utility poles or other tall structures. This requirement will be deemed to have been satisfied through the submission of a report or testimony by a qualified radio frequency engineer, verifying that the proposed Communications Antennae (or other Wireless Communications Facility component) will advance the provision of Wireless Communications Service. The Board of Supervisors will limit any evidence or objections sought to be introduced by any objecting party seeking to question the need for the installation of any Wireless Communications Facility (or component thereof). The purpose of this sub-section is merely to confirm that the provider of wireless communications service has made a threshold determination that the component for which municipal approval is sought will substantially improve the level of wireless communications service provided to the consumer(s) of such service.

(4) Maximum Heights. No Communications Antenna Support Structure shall be taller than 120 feet measured from undisturbed ground level, unless the Applicant proves that another provider of wireless communications services has agreed to co-locate Communications Antenna(e) on the Applicant's Communications Antenna Support Structure or the Applicant demonstrates that a greater tower height is necessary to provide satisfactory service for wireless communications. In such case, the Communications Antenna Support Structure shall not exceed 150 feet unless the Applicant secures approval as a condition of the conditional use process from the Supervisors by demonstrating such proof as would be required in the case of a Special Exception under Section 2007.3 of this

Ordinance. In no event shall mounted Communications Antenna(e) height on any tower extend more than 25 feet above the installed height of the tower. While evidence relating to the criteria set forth in Section 2007.3 of this Zoning Ordinance shall be considered by the Board of Supervisors, the Board of Supervisors will impose reasonable limitations on the admissibility of evidence sought to be introduced by any objecting party seeking to question the need for any Wireless Communications Facility (or component thereof). The requirement of establishing a need for any such component and/or the height of any proposed Wireless Communications Support Structure shall be deemed to be satisfied through the submission of a report or testimony by a properly qualified radio frequency engineer confirming that the installation of the proposed Wireless Communication Facility will substantially improve the provision of wireless communications service.

(5) Wireless Communications Equipment Building. In those zoning districts where Communications Antenna(e) and Communications Antenna Support Structures are permitted by conditional use, or on Township-owned property, either one (1) single story Wireless Communications Equipment Building, not exceeding 500 square feet in area, or metal boxes placed on concrete pads, of a total aggregate square footage of 600 feet, housing the receiving and transmitting equipment necessary to the proper functioning of the Wireless Communications Facility, may be located on the Land Site selected for installation and location of the Wireless Communications Support Structure, for each unrelated company sharing Communications Antenna(e) on the Wireless Communications Support Structure. The building and/or concrete pads may be located within a side yard or rear yard, provided that: (a) the concrete pad and metal boxes or buildings are located twenty-five feet (25') away from the property line, or, in the case of the building, the minimum set back distance applicable in the Zoning District, whichever is greater, (b) the combined height of the concrete pad and metal boxes or building does not exceed eight (8') feet, and (c) an evergreen landscape buffer screen, having a planted height of six (6') feet, is installed and maintained, so as to provide a visually effective barrier, for individuals standing at ground level in the nearby area, between the building or metal boxes and any adjacent property.

(6) Other Facilities. With the exception of the Wireless Communications Equipment Building housing the receiving and transmitting equipment necessary to the proper functioning of the Tower and Communications Antenna(e), all other structures and uses ancillary to Communications Antenna(e) and Communications Antenna Support Structures, including, but not limited to, a business office, a mobile telephone switching office, maintenance depot and vehicular storage area, shall not be located on any Land Site, unless otherwise permitted by the applicable district regulations in which the site is located. Additionally, the Wireless Communications Equipment Building must comply with the setback regulations pertaining to structures, applicable in the zoning district in which the Building is located.

(7) Attachments to Existing Structures. In all zoning districts, an Applicant may, upon conditional use approval being granted, locate Communications

Antenna(e) and their support members (but not a Communications Antenna Support Structure) on an existing smoke stack, utility pole, water tower, commercial or industrial building or any similar tall structure provided:

(a) the height of the Communications Antenna(e) and apparatus attaching the Communications Antenna(e) thereto shall not exceed 10 feet in height, unless the Applicant proves that a greater antenna(e) height is required to make it an adequately functional component of the Applicant's system but in no case shall such height exceed 25 feet;

(b) the Applicant proves that such location is necessary to satisfy their function in the Applicant's wireless communications system or will obviate the need for the erection of a Communications Antenna Support Structure in another location where the same is permitted;

(c) the Applicant submits a plan showing each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses; provided, however, that the Applicant shall not be required to trespass upon the land of another in order to obtain the information set forth in this provision;

(d) the Applicant employs concealment or other reasonably appropriate stealth measures (the determination of which shall be in the Board's reasonable discretion) to camouflage or conceal antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose; and

(e) the proposed use otherwise complies with the requirements of this Ordinance (with the exception of the provisions herein pertaining to the maximum height and location of a Communications Antenna Support Structure or Tower); and

(f) If the Board finds that location of antenna(e) on an existing structure obviates the need for the construction and erection of a Communications Antenna Support Structure in any zoning district in which the same is a permitted use, the Board may authorize by conditional use the location of either a building not exceeding 500 square feet or metal boxes placed on a concrete pad not exceeding, in the aggregate, 600 square feet in area, housing the receiving and transmitting equipment necessary to the operation of the antenna(e), for each unrelated entity or company sharing Communications Antennae space on the smokestack, utility pole, water tower, commercial or industrial building or other similar tall structure. The building and/or concrete pads may be located within a side yard or rear yard, provided that: (a) the concrete pad and metal boxes or buildings are located within twenty-five feet (25') away from the property line, or, in the

case of the building, the minimum set back distance applicable in the zoning district, whichever is greater, (b) the combined height of the concrete pad and metal boxes or building does not exceed eight (8') feet, and (c) an evergreen landscape buffer screen, having a planted height of six (6') feet, is installed and maintained, so as to provide a visually effective barrier, for individuals standing at ground level in the nearby area, between the building or metal boxes and any adjacent property.

(8) Setbacks From Tower Base. The nearest point of any Communications Antenna Support Structure (exclusive of any guy wires or guy wire anchors) shall be located not less than a distance equal to the height (in linear feet) of the Communications Antenna Support Structure from both any adjoining property line and any street right-of-way line.

(9) Antenna Support Structure Safety.

(a) The Applicant shall demonstrate that the proposed Communications Antenna(e) and Communications Antenna Support Structure are designed and will be constructed in accordance with all applicable provisions of the BOCA national building standards for such facilities and structures and applicable standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association. The Applicant shall demonstrate that the proposed Wireless Communications Facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties;

(b) When a Communications Antenna(e) is to be located on an existing structure and the general public has access to the structure on which the Communications Antenna(e) is to be located, the Applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals. For purposes of this section, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to, power lines and telephone wires, during which process the transference of energy from one to another occurs.

(c) The information necessary to demonstrate compliance with the above requirements is to be submitted concurrently with the submittal of an application for a building permit.

(10) Fencing. A security fence shall be required around the Antenna Support Structure and other equipment, unless the Communications Antenna(e) is mounted on an existing structure, as provided herein.

(11) Landscaping. The following landscaping shall be required to screen as much of a newly constructed Communications Antenna Support Structure as possible.

The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping.

(a) An evergreen screen shall be required to surround the Communications Antenna Support Structure. The screen can be either a hedge planted three (3) feet on center maximum or a row of evergreen trees planted ten (10') feet on center maximum. The evergreen screen shall be a minimum planted height of six (6') feet at planting, and shall be capable of growing to a minimum of fifteen (15') feet at maturity.

(b) Existing vegetation on and around the Land Site shall be preserved to the greatest extent possible.

(12) Design. In order to reduce the number of Communications Antenna Support Structures in the Township in the future, the proposed Communications Antenna Support Structure shall be designed to accommodate other potential communication users, including not less than one (1) wireless communication company, and not less than one (1) local police, fire or ambulance service communications provider, through the addition or incorporation of antenna anchored at a location or in locations on the Communications Antenna Support Structure which the Applicant does not intend to anchor its Communications Antenna.

(13) Licensing and Applicable Regulations. The Applicant must demonstrate that it is licensed to provide wireless communications services by the Federal Communications Commission ("FCC"), through the submission of a copy of a license issued by the FCC, authorizing the provision of wireless communications services by the Applicant directly or through licensure or other authorized permission. A copy of this license is to be provided to the Township, within 15 days of the submission of an application for conditional use or other municipal approval.

(14) Proof of Inspection. The owner of a Communications Antenna Support Structure shall submit to the Township Engineer proof of the annual inspection of the Communications Antenna Support Structure and Communications Antenna(e) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Board of Supervisors may require removal or repair of the Wireless Communications Facility. In the event the annual inspection referred to above is not performed in a timely manner, the landowner as well as the Applicant or other licensed provider of Wireless Communications Service shall be subject to civil enforcement proceedings in accordance with Section 1900 of this Ordinance, and such other remedies as are provided by law.



(15) Soil Report and Inspection by Engineer. A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, or substantively similar report, shall be submitted to the Township Engineer to document and verify the design specifications of the foundation for Communications Antenna Support Structure and anchors for the guy wires, if used. The soil report must, in the opinion of the Township Engineer, establish that the Communication Support Structure may be properly installed and maintained at the proposed site. Prior to the Township's issuance of a permit authorizing construction and erection of a Communications Antenna Support Structure, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of its 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 Communications Antenna Support Structure. Where antenna(e) are proposed to be attached to an existing structure, such engineer shall certify that both the structure and the antenna(e) and their appurtenances meet minimum industry standards for structural integrity. These requirements shall constitute a required condition of any conditional use approval for the proposed use. However, this documentation is to be submitted concurrently with an application for the issuance of a building permit. All reasonable engineering fees associated with the review of these reports or other documentation confirming the soil suitability and structural integrity of a Communications Antenna Support Structure or anchoring for a Communications Antenna will be paid by the Applicant, within thirty (30) days of the submission of an invoice (which invoice must provide a reasonably detailed explanation of the engineering services provided at the Township's request).

(16) Required Parking. If the Wireless Communication Facility is fully automated, an adequate parking area shall be required for all maintenance workers. If the Wireless Communication Facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the Wireless Communication Facility during the shift with the greatest number of employees or staff.

(17) Visual Appearance. Communications Antenna Support Structures shall be painted silver or another color approved by the Board, or shall have a galvanized finish. All Wireless Communications Equipment Buildings and other accessory facilities 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 the neighboring buildings to the greatest extent possible. The Board of Supervisors may require that:

(a) Communications Antenna Support Structures be painted green up to the height of nearby trees; and/or

(b) Wireless Communications Equipment Buildings which house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.

(c) In making these determinations, the Board of Supervisors shall consider whether its decision will: (i) promote harmonious and orderly development of the zoning district involved, (ii) encourage compatibility with the character and type of development existing in the area, (iii) benefit neighboring properties by preventing a negative impact on the aesthetic character of the community. (iv) preserve woodlands and trees existing at the site to the greatest possible extent, and (v) encourage sound engineering and land development design and construction principles, practices and techniques.

(18) Site Plan. A full site plan shall be required for all Wireless Communications Facilities, showing all existing and proposed structure(s) and improvements, including, but not limited to, the Communications Antenna(e), Communications Antenna Support Structure, building, fencing, buffering and ingress and egress. The plan shall comply with the Township Subdivision and Land Development Ordinance, with the exception of such planned documentation/information which would be required to demonstrate compliance with those provisions of the Subdivision and Land Development Ordinance (or a Pennsylvania Stormwater Management Act) pertaining to stormwater management.

(19) Signs. No sign or other structure shall be mounted on the Wireless Communications Facility, except as may be required by the FCC, FAA or other governmental agency, and except for an identifying sign of no greater than three (3) square feet, setting forth the name and means of contacting the operator.

(20) Lighting. Communications Antenna Support Structures shall meet all Federal Aviation Administration ("FAA") regulations. No Communications Antenna Support Structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to not greater than 50% in excess of the minimum lumens and number of lights so required and, if not inconsistent with FAA or other governmental regulations, shall be oriented inward so as not to project onto surrounding properties. The Applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township Secretary.

(21) Maintenance. The Applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and notice impacts of such maintenance. This information shall be submitted, in writing, in the form of a proposed maintenance schedule, as part of the conditional use application or other application for zoning or building authorization.

(22) Vehicular Access. In the event a Communications Antenna(e) is attached to an existing structure, vehicular access to the Wireless Communications Facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use.

(23) Co-Location. If the Applicant proposes to build a Communications Antenna Support Structure (as opposed to mounting the Communications Antenna(e) on an existing structure), the Applicant shall demonstrate that it has contacted the owners of structures of suitable location and height (such as smoke stacks, water towers, and buildings housing existing Communications Antenna Support Structures) within a one (1) mile radius of the site proposed, and asked for permission to install the Communications Antenna(e) on an existing structure as set forth in this paragraph, or demonstrate that the Applicant cannot adequately extend or infill its communication system, through the use of these structures.

(24) Abandonment.

(a) If use of the Wireless Communications Facility is abandoned or is not properly maintained (so as to assure continued structural integrity and safety) or if the Wireless Communications Facility is not in use for a period of six (6) months or longer, the owner shall demolish and/or remove the Wireless Communications Facility from the Land Site within six (6) months of such abandonment and/or non-use. All costs of demolition and/or removal shall be borne by the owner of the Wireless Communications Facility. In the event the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with Section 1900 of this Ordinance, and other legal remedies available to the Township.

(b) Further, prior to constructing or installing any Wireless Communications Facility, the Applicant must submit financial security in an amount sufficient to cover the cost of disassembly, demolition and removal of the Wireless Communications Facility. The form of the financial security shall be of a type described in Section 509 of the Pennsylvania Municipalities Planning Code, 53 Pa.C.S.A. §10509(c), including, but not limited to, Federal or Commonwealth chartered lending institution irrevocable letters of credit, restrictive or escrow accounts in such lending institutions, as well as bonds. Approval of the type of financial security to be submitted shall be determined by the Board of Supervisors; however, approval of the form of security and of the provisions thereof (e.g., the language of a bond) shall not be unreasonably withheld. The amount of financial security shall be determined by the Board of Supervisors, based upon information submitted by the Applicant and reviewed by either the Township Engineer or other qualified consultant. In the event of a dispute concerning the appropriate amount of financial security, the Township Engineer and the Applicant shall select a qualified third party to arbitrate the dispute informally and submit a determination to the Board of Supervisors; the amount of financial security determined by the neutral third party shall be binding. The financial security may be utilized for the disassembly, demolition and removal of any Wireless Communications Facility, in the event that the Facility is either: (a) not properly maintained, (b) abandoned or (c) not used for a period of six months or longer. The financial security shall be so utilized after 30 days advance written notice is forwarded by United States mail or private courier service (e.g., Federal

Express, United Parcel Service) to any address provided by the Applicant as part of the submission of an application for zoning or other municipal or other building authorization or to any other address provided by Applicant for the purposes of the receipt of notice under this provision. The bond or other security will be released to the Applicant promptly upon the expiration of the lease, license or other permission/authorization to make use of the subject property for the maintenance of a Wireless Communication Facility.

(c) In addition, prior to the issuance of any building permit or use authorization or similar municipal authorization which may result in construction or installation of a Communications Antenna, Communications Antenna Support Structure (Tower), or Wireless Communications Facility, a Declaration of Covenant must be submitted by the Applicant, and approved by the Board of Supervisors, for recording in the Office of the Recorder of Deeds of Chester County, by which the landowner, and his/her/its successors in interest, authorize Township officials and Township designees to effectuate the disassembly, demolition and/or removal of any Wireless Communications Facility Antenna or Similar Structure, as contemplated by this provision. Appropriate documentary proof must be submitted to the Township staff, confirming the recording of the Declaration of Covenant, prior to commencement of any construction or installation of any Communications Antenna, Communications Antenna Support Structure or Wireless Communications Facility. The Covenant requiring proper maintenance (or removal in the case of abandonment of) a Wireless Communications Facility shall expire promptly upon the expiration of any lease or other arrangement by which the Applicant has permission to maintain a Wireless Communications Facility (or any component thereof) on a Land Site or other property. Upon submission of appropriate documentary proof of the expiration of the lease or other permission specified herein, the Township will authorize the recording of a document memorializing the expiration of the effective terms of the Declaration of Covenants.

(d) The requirements of this section may be waived or altered by the Board of Supervisors, in the event that either (i) another appropriate form of guarantee for the continued maintenance (or removal in the case of abandonment) of a Wireless Communications Support Structure is provided, or (ii) the Board of Supervisors is satisfied that adherence to these requirements would be unnecessary, duplicative or violative of Federal Telecommunications Act of 1996, or other applicable law.

(25) Notification. All Applicants seeking to construct, erect, relocate, or alter a Wireless Communications Facility shall file a written certification with the Township Zoning Officer that all property owners within a one thousand feet (1,000') radius of the proposed Communications Antenna Support Structure have been given written notice by the Applicant, mailed at least fourteen (14) days prior to the date of the hearing of the Applicant's intent to construct, erect, relocate, or alter a Wireless Communications Facility. The certification shall contain the name, address and tax parcel number of the property owners so notified. Such notice shall also contain the date and

time of the Board of Supervisor's meeting at which the Applicant will appear and demonstrate compliance with the provisions of this Ordinance.

(26) Interference. In the event the Wireless Communications Facility causes interference with the radio, subscriber equipment or television reception of any Township resident for a period of three (3) consecutive days, the resident shall notify the Township, in writing, of such interference. The Township shall notify the owner/operator of the Wireless Communication Facility of such interference and the owner/operator, at the owner/operator's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event the interference is not corrected in a timely manner, the owner/operator shall be subject to the civil enforcement proceedings in accordance with Section 1900 of this Ordinance, and may have the conditional use or other municipal approval revoked.

(27) Annual Report. In January of each year, the owner or operator of any Wireless Communications Facility shall pay the registration fee established from time to time by resolution of the Board of Supervisors and shall provide the Township Secretary with the following information. Changes occurring with respect to any such reported information shall be reported to the Township Secretary in writing within ten (10) days of the effective date of such change(s).

(a) The names and addresses of the owner of the Wireless Communications Facility and any organizations utilizing the Wireless Communications Facility and telephone numbers of the appropriate contact person in case of emergency.

(b) The name and address of the property owner on which the Wireless Communications Facility is located.

(c) The location of the Wireless Communications Facility by geographic coordinates, indicating the latitude and longitude.

(d) Output frequency of the transmitter.

(e) The type of modulation, digital format and class of service.

(f) Communications Antenna(e) gain.

(g) The effective radiated power of the Communications Antenna(e).

(h) The number of transmitters, channels and Communications Antenna(e).

(i) A copy of the owner or operator's FCC authorization. A copy of the FCC license shall be sufficient for this purpose.

(j) Communications Antenna(e) height.

(k) Power input to the Communications Antenna(e).

(l) A certification signed by an authorized representative of the Applicant that the Wireless Communications Facility is continuing to comply with this Ordinance and all applicable governmental regulations, including but not limited to, output and emission limits established by the FCC.

(m) A certificate of insurance issued to the owner/operators evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the Land Site and the Wireless Communications Facilities.

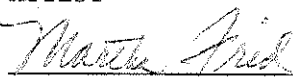
**SECTION 4.** Existing Section 1704.14 is hereby deleted in its entirety. In its place, Section 1704.14 shall read as follows:

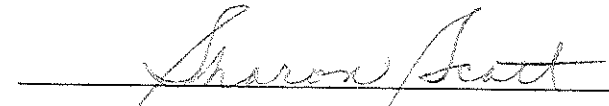
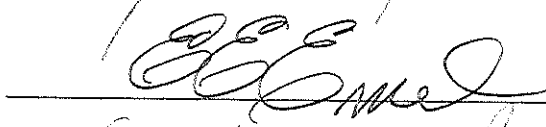
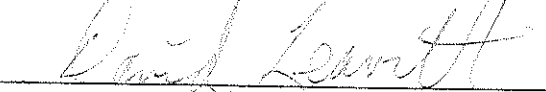
“1704.14. Communications Antennae Support Structures (Towers), and other components of a Wireless Communications Facility shall comply with all of the provisions of Section 1504(A).

**SECTION 5.** Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts thereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 6.** This Ordinance shall take effect immediately upon adoption, and shall be applied to all applications for municipal approval of facilities, structures and uses described herein which are or have been submitted on or after April 21, 1998 (on which date the Township advertised its intention to consider adoption of this Zoning Ordinance amendment), provided however that the subparagraph of Section 3, setting forth an amendment identified as Section 1504(A)(25) of the Zoning Ordinance, pertaining to and identified as “Notification”, will apply only to conditional use hearings commenced hereafter.

ATTEST

  
Martha Frid, Secretary

DATE OF ENACTMENT August 12, 1998