

TOWNSHIP OF OHIO

ORDINANCE NO. 219

AN ORDINANCE OF THE TOWNSHIP OF OHIO, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 103, AS AMENDED, THE ZONING ORDINANCE OF THE TOWNSHIP OF OHIO, TO PERMIT REPLACEMENT OF PRE-EXISTING COMMUNICATIONS FACILITIES USED FOR PUBLIC SAFETY COMMUNICATION SUBJECT TO CERTAIN CRITERIA.

WHEREAS, the Township has adopted Ordinance No. 203 amending the zoning ordinance of the Township of Ohio by imposing express standards and criteria for granting of communications facilities as uses by special exception; and

WHEREAS, communications facilities used for Township public safety communications and legally existing prior to the adoption of Ordinance No. 203 may be replaced from time to time; and

WHEREAS, public safety within the Township of Ohio will be enhanced if communications facilities pre-existing Ordinance No. 203, used for Township public safety communications, may be reconstructed on the same lot where previous communications facilities existed; and

WHEREAS, the replacement or reconstruction of such communications facilities on the same lot, may be impossible if all of the criteria of Ordinance No. 203 must be satisfied.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Ohio, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same as follows:

Section 1. Article 132-9 is amended by adding thereto the following new Section 132-9E:

132-9E Replacement of any communications facilities used for Township police or fire communications and lawfully existing at the effective date of this amended chapter may be permitted by the zoning officer in any zoning district provided that the zoning officer determines that the following criteria are met.

- (1) The pre-existing communications facility and the replacement communications facility must both be situate upon property

owned by the Township or by a fire company officially recognized by the Township.

- (2) The communications facility must be used after the reconstruction, in whole or in part, for wireless police or fire communications. Shared use of the facility for communications purposes other than police or fire is permitted. If the Township and fire company both abandon use of the communication facility for wireless communications, then zoning approval will terminate within one year of such abandonment and the communication facility must be removed. The communication facility must have, in addition to antenna locations for fire communications, at least one antenna location reserved for Township public safety or public works communications.
- (3) The communications facility must be located within the same lot as the pre-existing communications facility, though it need not be placed in precisely the same location within the lot as the pre-existing communications facility. The communications facility must not be closer to any abutting property than any other communications facility already on the property.
- (4) The communications facility must comply with all applicable FCC and FAA regulations.
- (5) The communications facility may be higher than the pre-existing communications facility.
- (6) The applicant must submit to the zoning officer evidence that the communication facility and its method of installation has been designed by a registered engineer to be structurally sound and able to withstand wind or other loads in accordance with accepted engineering practice. Applicant must reimburse the Township for the reasonable fees of any engineering consultant the Township may wish to retain in order to provide the Township with a professional opinion as to the structural soundness of the communication facility.
- (7) The communications facility that is replaced must be removed within 90 days after the new facility is operational.

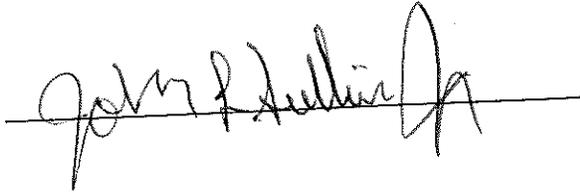
A communications facility for public safety communications which complies with all of the above stated criteria shall not be subject to any other zoning requirement, review or approval under any provision of the Ohio Township zoning ordinance, as amended.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

ORDAINED and ENACTED this 12TH day of MAY,
1997.

ATTEST:

TOWNSHIP OF OHIO

A handwritten signature in cursive script, appearing to read "John F. Sullivan", written over a horizontal line.

By: A handwritten signature in cursive script, appearing to read "George Butler", written over a horizontal line.