

**TOWNSHIP OF OHIO
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 314

AN ORDINANCE OF THE TOWNSHIP OF OHIO, ALLEGHENY COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF OHIO TOWNSHIP, AS CODIFIED AT CHAPTER 280 OF THE OHIO TOWNSHIP CODE; PROVIDING FOR PURPOSES AND FINDINGS OF FACT RELATED TO THE ADOPTION OF THE AMENDMENT; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS COMMUNICATION 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 Ohio, Allegheny 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 “Ohio 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 Ohio 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.

Chapter 280, Article II, Terminology, of the Ohio Township Code is hereby amended by removing the following definitions from Section 280-8, Definitions: "Communications Antenna"; "Communications Equipment Building"; "Communications Equipment Cabinet"; and "Communications Tower." Chapter 280, Section 280-8 is further amended to include the following definitions:

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 mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

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. *FAA* – Federal Aviation Administration
6. *FCC*—Federal Communications Commission.
7. *Height of a Tower-Based WCF* - The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including Antennae mounted on the tower and any other appurtenances.
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 or any Related Equipment that is mounted to the ground or at ground-level.
10. *Related Equipment*— Any piece of equipment related to, incident to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, “Related Equipment” includes generators and base stations.
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. For the purpose of this ordinance, ROW shall include streets and roads owned by Allegheny County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.
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. *WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)*
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 right-of-way (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.

SECTION IV. Repealer

The following terms, conditions and provisions of Section 280.96 (Communications Tower; Communications Equipment Building or Equipment Cabinet) are hereby REPEALED and REPLACED by provisions set forth under Sections V through X of this Ordinance.

SECTION V. General Requirements for All Non-Tower Wireless Communications Facilities

A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities located within the Township, including those inside the public rights-of-way:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.
2. Prohibited on Certain Structures. Commercial Non-Tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.
3. Standard of Care. Any Non-Tower WCF 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, and National Electrical Code. Any WCF shall at all times 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 any property in the Township.
4. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind according 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-222-E, as amended).
5. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
6. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
7. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, 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.
8. Removal. In the event that use of a Non-Tower WCF 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 WCFs or portions of WCFs shall be removed as follows:

- a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
9. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
10. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
11. Indemnification. Each Person that owns or operates a Non-Tower WCF 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 Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF 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 Non-Tower WCF. 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.
12. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

- b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- B. In addition to the regulations in Section V of this Ordinance, the following additional regulations shall apply to all Non-Tower Wireless Communications Facilities, such as Antennae, that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached:
 - 1. Permit Required. Applicants proposing the modification of an existing Tower-Based WCF shall obtain a Zoning Permit from the Township zoning office. In order to be considered for such, the applicant must submit a permit application to the Township Zoning Office.
 - 2. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
 - 3. 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 Non-Tower WCF or \$1,000, whichever is less.
- C. In addition to the regulations in Section V of this Ordinance, the following additional regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:
 - 1. Permit Required. Any applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a Zoning Permit from the Township zoning office. New construction and modifications shall be prohibited without a zoning permit. After receipt of the Permit application, the Township Zoning Officer shall determine whether zoning relief is necessary under the Township Code.
 - 2. Related Equipment. Ground-mounted Related Equipment shall comply with the height and yard requirements of the underlying Zoning District for accessory structures.
 - 3. Historic Buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance.
 - 4. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval

of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

5. 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 Non-Tower WCF, as well as related inspection, monitoring and related costs.

SECTION VI. Non-Tower Wireless Facilities Outside the Rights-of-Way

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCFs, if possible, subject to the following conditions:
 - a. Such WCF does not exceed the lesser of a total maximum height of twenty (20) feet or the maximum height permitted in the underlying zoning district. If the planned Non-Tower WCF exceeds this height specification, the WCF applicant shall obtain a variance.
 - b. If the WCF applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the height and yard requirements of the underlying Zoning District for accessory structures.
 - c. A security fence of not less than ten (10) feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Permit Required. If co-location of the Non-Tower WCF on an existing Support Structure is not technologically feasible, the Applicant shall obtain a Zoning Permit from the Township Zoning Office.
3. Design Regulations.
 - a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.

- b. The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying zoning district, unless the applicant obtains a variance.
 - c. In accordance with industry standards, all Non-Tower WCF applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
 - e. Non-Commercial Usage Exemption. Township citizens utilizing satellite dishes and Antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the Design Regulations enumerated in this Ordinance.
4. Removal, Replacement, Modification.
- a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.
 - b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
5. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
6. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this 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 WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

SECTION VII. Non-Tower Wireless Facilities in the Rights-of-Way

The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant shall locate its Non-Tower WCFs on existing poles that do not already act as Support Structures.
2. Design Requirements:
 - a. WCF 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.
 - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs 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.
4. Equipment Location. Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on the facility or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

3. Special Exception Requirements. Any applicant proposing the construction of a new Tower-Based Wireless Communications Facility shall present testimony and evidence to the Township Zoning Hearing Board in support of the following requirements:
 - a. The applicant shall present documentation that the facility is designed in accordance with all the standards cited in this Ordinance for Tower-Based WCFs.
 - b. The applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.
 - c. The applicant shall demonstrate that the proposed Tower-Based WCF complies with all State and Federal laws and regulations concerning aviation safety.
 - d. The need for additional buffer yard treatments shall be evaluated.
 - e. The applicant shall demonstrate that the Tower-Based WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.
 - f. Where the Tower-Based WCF is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to this Facility.
 - g. Approval of a land development plan, prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance, shall be required for all proposed towers greater than forty (40) feet in height.

4. Co-Location and Siting. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or on Township property. The applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ($\frac{1}{4}$) of a mile 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:
 - a. The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed Antenna and Related 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.

- c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
5. Permit Required for Modifications. Any applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a Zoning Permit from the Township zoning office. Non-routine modifications shall be prohibited without a Zoning Permit.
 6. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs.
 7. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.
 8. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according 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-222-E, as amended).
 9. Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WCF in the R-1 Low Density Residential District or R-2 Medium Residential District, and not located in the public ROW, shall not exceed one hundred (100) feet, as measured vertically from the ground level to the highest point on the structure. The maximum total height of any Tower-Based WCF in the C-1 Limited Commercial District, C-2 General Commercial District, O-C Commercial District, or L-I Light Industrial District, and not located in the public ROW, shall not exceed two hundred (200) feet, as measured vertically from the ground level to the highest point on the structure.. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
 10. Related Equipment. A telecommunication equipment building, or any other structure associated with a Tower-Based WCF, shall meet the height and setback requirements for accessory buildings in the zoning district in which the building is located. When a zoning

district contains more than one set of setback requirements, the largest setback shall apply.

11. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
12. Maintenance. The following maintenance requirements shall apply:
 - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
13. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, 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.
14. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.
15. Signs. All Tower-Based WCFs 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. No other signage shall be mounted on the WCF, except as may be required or approved by the FAA, FCC, or other governmental entity.
16. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
17. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and 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.

18. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
19. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
20. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
21. Non-Conforming Uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
22. Removal. In the event that use of a Tower-Based WCF is planned to be 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 WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - c. Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.

23. 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 Tower-Based WCF, as well as related inspection, monitoring and related costs.
24. FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
25. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
26. Insurance. Each Person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Tower-Based WCF.
27. Indemnification. Each Person that owns or operates a Tower-Based WCF 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 Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF 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 Tower-Based WCF. 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.
28. Engineer Signature. All plans and drawings for a tower and Antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
29. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the applicant shall provide to the Township financial security

sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

SECTION IX. Tower-Based Facilities Outside the Rights-of-Way

A. The following additional regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:

1. Development Regulations:

a. Location. No Tower-Based WCF shall be located in an area in which utilities are underground, except as permitted by this Ordinance.

i. The following regulations shall apply to Tower-Based WCFs less than one hundred (100) feet in height:

1. Such Tower-Based WCFs may be located in the following zoning districts, subject to this Section:

- a. R-1 Low Density Residential District.
- b. R-2 Medium Density Residential District.
- c. C-1 Limited Commercial District.
- d. C-2 General Commercial District.
- e. O-C Office Commercial District.
- f. L-I Light Industrial District.
- g. C-D Conservation District.

2. Such Tower-Based WCFs shall not be located within seventy-five (75) feet of single-family or multi-family dwelling.

ii. The following regulations shall apply to Tower-Based WCFs one hundred (100) feet or greater in height:

1. Such Tower-Based WCFs may be located in the following zoning districts, subject to this Ordinance:

- a. R-1 Low Density Residential District.
- b. R-2 Medium Density Residential District.

2. Such Tower-Based WCFs shall not be located within one hundred (100) feet of a single-family or multi-family dwelling.
- iii. In addition to the above provisions, as well as those listed in Section X of this Ordinance, the following regulations shall apply to Tower-Based WCFs forty (40) feet or shorter in height:
 1. Such Tower-Based WCFs shall be permitted along collector roads and arterial roads where utilities are aboveground. A list of such roads is maintained in the Township Zoning Office.
 2. Such Tower-Based WCFs shall not be located in the front façade zone of any structure.
 3. Tower-Based WCFs forty (40) feet or shorter in height shall be permitted along the following corridors, regardless of the underlying zoning district, provided that they are not situated within fifty (50) feet of an area in which utilities are underground:
 - a. Pennsylvania State Route 79.
 - b. Pennsylvania State Route 279.
- b. Site Requirements. A Tower-Based WCF may be located as permitted in the district regulations, subject to all of the conditions listed in this Ordinance.
 - c. Sole Use on a Lot. A Tower-Based WCF greater than fifty (50) feet shall be permitted as a sole use on a lot, provided that the underlying lot is a minimum of 5,000 square feet. The lot shall meet the minimum lot area of the district in which it is located.
 - d. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, 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 communications facility.
 - ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.

- iii. Minimum Setbacks. The setback from all property lines, excluding lease lines, required for the Tower-Based WCF shall be one hundred percent (100%) of the height of the structure.

2. Design Regulations:

- a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
- b. To the extent any height extensions to an existing Tower-Based WCF shall require prior approval of the Township.
- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.
- d. Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

3. Surrounding Environs:

- a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- b. The owner of any Tower-Based WCF shall be responsible for maintaining the parcel on which the WCF is located, including the cutting and clearing of any vegetation, snow removal and maintenance of the access driveway surface.
- c. The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

4. Fence/Screen:

- a. A security fence having a minimum height of ten (10) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
- b. Landscaping shall be installed to screen and buffer the tower and any ground level features, such as an equipment building, from adjacent properties.

- c. The landscape screen shall consist of a mix of evergreen trees planted in a staggered double row. The plantings shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
 - d. Existing vegetation shall be preserved to the maximum extent possible.
5. Accessory Equipment:
- a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
 - b. All utility buildings and 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.
6. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the greatest extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
7. Parking. For each Tower-Based WCF greater than fifty (50) feet in height, there shall be two off-street parking spaces, or one space per employee, whichever is greater.
8. Inspection by the Township. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this 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 WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
9. Inspection Required. The owner of any Tower-Based WCF greater than fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a structural engineer at the owner's expense. Any structural faults shall be corrected immediately and re-inspected and certified to the Township by a structural engineer at the owner's expense.

SECTION X. Tower-Based Facilities in the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:

1. Prohibited in Underground Utility Areas.
 - a. Tower-Based WCFs forty (40) feet or shorter in height shall only be permitted along collector roads and arterial roads where utilities are aboveground. A list of such roads is available in the Township Zoning Office.
 - b. Such Tower-Based WCFs shall not be located in the front façade zone of any structure.
 - c. Tower-Based WCFs forty (40) feet or shorter in height shall be permitted along the following corridors, provided that they are not situated within fifty (50) feet of an area in which utilities are underground:
 - i. Pennsylvania State Route 79.
 - ii. Pennsylvania State Route 279.
2. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs 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.
3. Equipment Location. Tower-Based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

4. Design Regulations.

- a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - b. Tower-Based WCFs in the public ROW shall not exceed forty (40) feet in height.
 - c. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
 - d. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.
5. Relocation or Removal of Facilities. Within sixty (60) 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 Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF 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:
- a. The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
 - b. The operations of the Township or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An Emergency as determined by the Township.
6. Reimbursement for ROW Use. In addition to permit fees as described in this Ordinance, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation 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 Tower-Based WCF 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. The annual ROW management fee for Tower-Based WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such Tower-Based WCF.

SECTION XI.

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.

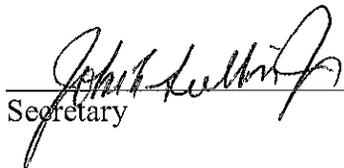
- c. Effective Date. This Ordinance shall become effective thirty (30) days after enactment by the Board of Supervisors of Ohio Township.

[SIGNATURE PAGE TO FOLLOW]

ENACTED AND ORDAINED this 4 day of August, 2014.

ATTEST:

OHIO TOWNSHIP
BOARD OF SUPERVISORS:


Secretary


Chairman