

Local Government Regulation of Wireless Telecommunications Facilities



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Introduction

The Telecommunications Act of 1996, enacted by the U.S. Congress, revolutionized the nation's telecommunications policy. Competition among multiple service providers – not monopoly control – is the way of the future.

For local governments, the law's impact has been substantial. The entry of multiple telecommunications providers into the market with new technologies and services can strengthen local economies by creating jobs and keeping local businesses competitive. The law can also create new revenue sources for local budgets and permit local governments to deliver services in new, efficient and innovative ways. The development of the local telecommunications infrastructure will be high on the list of planning priorities for local governments as the 21st century progresses.

The influx of new telecommunications providers also poses significant challenges for local governments as they perform their traditional zoning and land use functions. In particular, the tremendous growth in personal wireless services – including cellular telephones, personal communications services and paging – has caused the demand for new facilities for wireless antennas and equipment to grow rapidly.

The construction of transmitting and receiving antennas is essential for the effective operation of wireless services. The challenge facing local government is to invest in local infrastructure by encouraging and facilitating the use of new telecommunications networks, while at the same time managing their integration into the existing infrastructure.

Congress recognized these local responsibilities in the 1996 Telecommunications Act. With some specific limitations, the Act generally preserves local government authority to manage the use of public rights-of-way and, with respect to cellular and other wireless services, to enforce reasonable zoning requirements.

To comply with the Act and to address community concerns, local governments should review their zoning and land use ordinances and revise them to address specifically wireless communications and facilities. The purpose of this publication is to provide guidance in drafting ordinance revisions to reach that balance.

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Why Are There Suddenly So Many Towers?

In most parts of the United States, there are only two companies providing cellular telephone service today. Recently, the Federal Communications Commission (FCC) has auctioned off additional pieces of the electromagnetic spectrum and thereby authorized up to eight carriers in a market.

As a result, in many areas, local officials can expect to see as many as eight providers seeking facilities to site antennas and equipment in their communities. The number of such facilities has grown in the United States from fewer than 1,000 in 1985 to more than 100,000 by the year 2000. Each provider is required by the FCC to build its network quickly and each naturally seeks to obtain a competitive edge in the market.

In addition, consumer demand for personal wireless services is growing tremendously in response to the introduction of lightweight portable phones and increasingly affordable rates and equipment prices. Today, more than 100 million Americans use these services. The growth also reflects the importance of wireless services to businesses. This high rate of growth in demand for wireless services requires providers to construct "coverage" facilities to assure service throughout the market area and then to add "capacity" facilities which make available additional channels to accommodate new subscribers.

What Are Wireless Services and How Do They Work?

Cellular telephone service has been offered commercially for several years. Cellular telephone service has now been joined by PCS (Personal Communications Services), which utilizes digital technology to provide data transmission, computer networking, wireless Internet access and related services. Prior to the development and introduction of cellular phone service, mobile telephone service offerings were limited. The older, non-cellular systems used a single high-powered radio transmitter to cover an entire community. With few allocated frequencies and channels, the old systems could provide service to only a limited number of subscribers.

Today's wireless systems overcome this limitation by subdividing their service area into small cells, each with a low-powered radio transmitter.

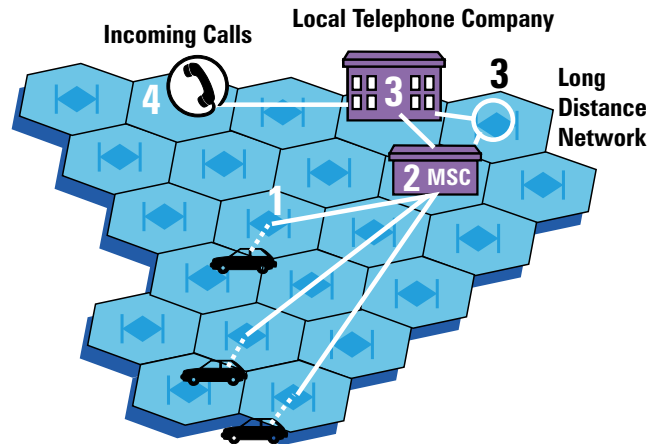
A typical Pennsylvania cell can be from eight miles in diameter to less than one mile, depending on the terrain and how many people are using phones in the area. Following is the sequence of events that take place when a call is made:

1. Each cell has a transmitter/receiver. A call from a wireless phone is sent to the transmitter/receiver via radio waves.
2. From there it is sent to a Mobile Switching Center (MSC), which serves multiple cell sites. As a wireless phone user moves from cell to cell, a switch at the MSC hands off the signal from one cell transmitter to the next to keep the signal strong.

3. The MSC sends the call to a local or long-distance telephone network.
4. The network connects the call over phone lines to the number the user is calling, whether it is a person, a computer, a data network, voice mail, fax or messaging system.

Wireless antenna facilities have been installed on communications towers, electric transmission towers, water tanks, building rooftops and streetlights. In some areas, facilities have been installed in church steeples clock towers and silos.

Communications towers take many forms and vary significantly in height. A tower may be free standing or "guyed," anchored with cables. A guyed tower needs significantly more land than a freestanding tower. Free standing or self-supporting towers include monopoles (steel poles) and three or four-sided steel-lattice towers. Tower and tower foundation specifications depend on a variety of factors including design load, wind speed, ice load, soil conditions, building code requirements and antenna loading.



Whether the antenna is installed on a communications tower or on another structure, an antenna's height depends on several factors, including the range and characteristics of the geographic area it is expected to serve. The number of antennas in a community also depends on several factors, most commonly service demand and local geography. As a system grows, the number of antenna sites increases as channels are reused at closer intervals to accommodate more subscribers.

The 1996 Telecommunications Act and Local Zoning Authority Over Wireless Antennas and Towers

Local governments exercise zoning authority to protect the health and safety of residents and to ensure orderly land use development.

The 1996 Telecommunications Act generally protects local zoning authority over the placement of cellular towers. At the same time, however, the law places some new federal restrictions on that authority.

The Act addresses the issue of local zoning authority over wireless telecommunications facilities in three ways. First, it establishes a general principle that local zoning authority is preserved, subject

to certain conditions or requirements. Second, it lists the five conditions or requirements (See Next Section) that local zoning requirements must satisfy. Third, it identifies disputes the courts will handle and which will be handled by the FCC.

Five Conditions Required to Maintain Local Zoning Authority

In order to maintain their zoning authority over wireless telecommunications facilities, local governments must satisfy five conditions or requirements. Failure to comply with any of these five requirements would result in the Act preempting local government zoning regulation.

1. Local zoning requirements may not unreasonably discriminate among wireless telecommunications providers that compete against one another.

As a general rule, local governments must avoid making zoning decisions that give one provider of wireless service a competitive advantage over another. Under the law, if a local government has no rational basis for making a distinction among providers whose facilities have substantially identical characteristics, differential treatment of those providers is prohibited. For example, a zoning ordinance permitting one provider of wireless services to construct a tower in a commercial district, but prohibiting the construction of a similarly sized tower by another provider in that same commercial district with no distinguishable differences in impact is subject to a challenge based upon unreasonable discrimination. Similarly, attempts to regulate antenna size may unintentionally discriminate against some providers.

2. Local zoning requirements may not prohibit or have the effect of prohibiting the provision of wireless telecommunications service.

This requirement is designed to prevent local governments from imposing outright bans on wireless telecommunications services or from limiting the number and placement of facilities in a manner that prohibits, or has the effect of prohibiting, a provider's ability to offer service. For example, an ordinance could not include such severe restrictions on the placement or number of towers in a community that the antennas cannot properly operate and deliver service. In such a case, the fact that an ordinance permits the siting of cellular towers is insufficient to meet the requirements of the Act if a carrier remains unable to provide satisfactory service.

3. A local government must act within a reasonable period of time on requests for permission to place or construct wireless telecommunications facilities.

The time taken to act on an application will be considered reasonable if it is no longer than the time the local government usually takes to act on other requests – such as zoning variances – of comparable magnitude that have nothing to do with telecommunications facilities. Since the Pennsylvania Municipalities Planning Code (MPC) already imposes time limitations on zoning reviews, this provision of the Act should not significantly affect the current procedures of Pennsylvania local governments.

- 4. Any local government decision denying a request for permission to install or construct wireless telecommunications facilities must be in writing and must be based on evidence in a written record before the local government body.**

The MPC already requires written decisions based upon substantial evidence. Therefore, this provision should not result in significant changes in local Pennsylvania procedure.

- 5. If a wireless telecommunications facility meets technical emissions standards set by the FCC, it is presumed safe. A local government may not deny a request to construct a facility on grounds that its radio frequency emissions would be harmful to the environment or the health of residents if those emissions meet FCC standards.**

This limitation has the most significant impact on local governments.

The Act gives the FCC, not local governments, the sole authority to determine what standards wireless facilities must meet to ensure that their radio frequency emissions do not harm humans or the environment. While local governments can (and should) require facilities to comply with the FCC emissions standards, they may not adopt their own standards or their own monitoring or reporting requirements. If the facilities meet FCC emissions standards, concern about the effect of emissions from cellular towers on the health of nearby residents is not a permissible reason for making zoning decisions about the placement of wireless telecommunications facilities.

Localities can require providers to comply with other federal regulations prior to issuing a tower construction or modification permit. For example, towers taller than 200 feet and located within a certain distance of airport runways must be registered with the FCC. The FCC works with the Federal Aviation Administration (FAA) to ensure that such towers are appropriately constructed, marked, painted, and lighted so that they do not create a hazard to air navigation.

Dispute Resolution

If a wireless provider claims that a local government has violated any of the first four conditions listed above, the provider may seek relief in a state or federal court. An unsuccessful applicant may go to the FCC if it claims that the locality improperly based its adverse siting decision on the harmful effects of radio frequency emissions from the proposed facility.

Key Considerations in Preparing a Wireless Telecommunications Facility Ordinance

Following the deregulation of the telecommunications industry by the Telecommunications Act of 1996, many communities across the Commonwealth have witnessed a substantial increase in wireless facilities applications. Many communities have concluded that they lack an adequate zoning and land use framework to deal with these rapidly proliferating technologies. A few local governments were better prepared because the early growth of the cellular telephone industry in their areas has led to comprehensive land use and zoning procedures for the siting of towers. Most communities, however, have been handling siting requests on a case-by-case basis while trying to educate themselves and their constituents about these new technologies and the most effective means for integrating them into the community.

To begin implementing the provisions of the Act, local governments should have zoning ordinances that specifically address the placement of wireless communications towers in the community. After reviewing the Act's provisions, local officials should have appropriate personnel review the community's zoning ordinance. Many communities will find that they have no regulations addressing the placement of wireless communications towers, that their current ordinance completely prohibits towers, or that the ordinance is not designed to accommodate emerging technologies such as personal communications services. Any of these situations presents a problem for the locality.

In the absence of an ordinance, the industry can argue that it has a right to place towers or antennas in any location in the community. On the other hand, an ordinance that bans the placement of towers anywhere in the community violates longstanding Pennsylvania zoning law and the 1996 Telecommunications Act if the ban prohibits access to the services provided by the industry.

While ordinances are as different as the community for which they are written, local governments should consider the use of the model ordinance in Appendix I and the criteria and examples in this chapter as they review and revise their laws. These criteria are cited because they balance three important considerations: (1) the need to protect communities from the disadvantages of uncontrolled proliferation and placement of wireless facilities, (2) the rights of local citizens under the Act to access and use the new technologies and (3) the providers' right to exercise free trade and meet the requirements of their federal licenses as efficiently as possible.

“Do’s” and “Don’ts” in Drafting a Wireless Telecommunications Facility Ordinance

Do’s

1. Do define relevant terms in the ordinance such as "Communications Antenna," "Communications Equipment Building," "Communications Tower" and "Height of a Communications Tower." In many existing ordinances, terms such as "Essential Services" are vaguely defined and could be argued to include telecommunications towers or antennas.

Such definitions should be amended to exclude wireless facilities so that their placement in the community can be reasonably controlled.

2. Do encourage the installation of antennas upon existing structures, including building rooftops, water tanks or existing towers, rather than the construction of new towers. If community residents raise aesthetic objections to wireless facilities, such objections are almost always directed at towers and rarely at antennas mounted on existing structures. The best way to encourage such "co-location" of antennas on existing structures is to make it easier and quicker for providers to obtain a building permit for co-location than for construction of a tower. Typically, this is accomplished by making co-location of antennas on existing structures a use by right (requiring only a building permit) while making construction of towers (at least in some districts) a special exception or conditional use requiring public hearings and satisfaction of specific requirements.
3. Do encourage the construction of towers in the community's least restrictive zoning districts by considering making construction of towers in such districts (e.g., industrial and manufacturing districts) a use by right. Another incentive would be to allow higher towers in the least restrictive zoning districts.
4. Do define height limitations specifically applicable to towers and to the permitted height of co-located antennas above the highest point on the building or other structure.
5. Do require the provider proposing to co-locate antennas to certify that the proposed installation will not exceed the structural capacity of the building or other structure.
6. Do require co-located antennas to meet applicable building codes and other regulations.
7. Do require that wireless facilities comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
8. Do establish reasonable setback requirements for towers and equipment buildings.
9. Do establish reasonable standards for communications towers in more restrictive districts as special exceptions or conditional uses, such as compliance with applicable FAA and Airport Zoning regulations.
10. Do require that access be provided to the tower by means of a public street or adequate easement with an improved cart way.
11. Do require that the base of a tower be landscaped to screen the tower foundation and base and the communications equipment building from abutting properties.

12. Do require that the provider certify that a tower will be designed and constructed in accordance with current national standards for steel towers. Such standards include the Structural Standards for Steel Antenna Towers and Antenna Support Structures published by the Electrical Industry Association/Telecommunications Industry Association.
13. Do require that a security fence be placed at least eight feet in height around a tower and equipment building.
14. Do require that a tower remaining unused for 12 months be dismantled and removed by the provider.
15. Do encourage the use of appropriate public property for communications facilities. Many such properties are less intrusive locations than privately owned property for wireless facilities, and the revenue benefits to the municipality can be significant.

Don'ts

1. Don't unreasonably limit wireless facilities to a small portion of the community.
2. Don't treat co-location and tower construction applications the same. Encourage co-location by simplifying the approval process.
3. Don't require unreasonable "fall zones" or setbacks from adjoining property lines or unreasonably large minimum parcel size. A properly constructed tower designed and built to current national standards will be at least as reliable as surrounding structures.
4. Don't establish local safety or environmental standards for human exposure to radio frequency emissions. The 1996 Telecommunications Act prohibits it.
5. Don't require providers to construct towers to accommodate several providers. This will probably result in towers unnecessarily tall and thick to accommodate such users.

Moratoriums

Some communities across the country have imposed moratoriums on wireless communications applications. These moratoriums take various forms from a delay in reviewing applications to a refusal to accept applications during the moratorium period. Moratoriums have been the subject of substantial litigation around the country with mixed results for municipalities.

The legality of moratoriums varies from state to state. In Pennsylvania, with the exceptions of Pittsburgh and Philadelphia only, the Municipalities Planning Code (MPC) 53 P.S. § 10101 *et seq.*, defines the zoning authority of local governments. The MPC provides no authority for the imposition of moratoriums in Pennsylvania. For additional reference, see the Pennsylvania Supreme Court's decision in *Naylor, et al v. Township pf Hellam*, 773 A.2d 770 (Pa. 2001).

The MPC does provide for municipal curative amendments to a zoning ordinance. Section 609.2 of the MPC sets forth the procedure for initiating such an amendment and the limited protection afforded to a municipality under the procedure. If a municipality declares by formal action that its zoning ordinance,

or portions thereof, are substantively invalid, within 30 days of such declaration the municipality must make specific findings setting forth the declared invalidity. Within 180 days of the declaration, the municipality must enact the curative amendment or reaffirm the validity of the ordinance.

This procedure does not grant a municipality any authority to initiate a general moratorium. If the procedures of Section 609.2 are followed, the governing body and zoning hearing board do not have to entertain landowner curative amendments or substantive challenges to the validity of the ordinance based upon the grounds cited by the municipality. The MPC does not authorize municipalities to prohibit, or delay review of, any other applications or proceedings. Moreover, with limited exceptions, a municipality utilizing the curative amendment procedure cannot again utilize the procedure for 36 months.

Conclusion

With the growth in demand for wireless communications services, local government faces the challenge of integrating these new facilities into existing infrastructure while reasonably controlling their location and impact upon the community. The careful drafting of a wireless telecommunications facilities ordinance is a critical element in accomplishing these goals and assuring compliance with the requirements of the 1996 Telecommunications Act.

Appendix I. Model Ordinance

Note: This ordinance is written in a general form for basic municipal zoning districts. Since land use districts, population densities, topography and other community characteristics vary significantly among communities throughout the Commonwealth, individual municipalities will have to adapt the suggested regulations to the format of their ordinances, particular zoning districts and community characteristics.

AN ORDINANCE AMENDING THE _____ 'S
(City, Township, Borough, County)

ZONING ORDINANCE TO REGULATE THE PLACEMENT OF COMMUNICATIONS TOWERS AND ANTENNAE

Whereas, technical developments in the telecommunications field have provided new options for the expansion and delivery of communications services to the _____ and its residents; and
(City, Township, Borough, County)

Whereas, the _____ recognizes that the _____,
(Governing Body) (City, Township, Borough, County)
its police, fire and emergency medical services and its residents and visitors rely on wireless communications services for business and personal uses; and

Whereas, the _____ therefore desires to encourage efficient and
(Governing Body)
adequate wireless communication services within the _____ while at the same time,
(City, Township, Borough, County)
protecting the public health, safety and welfare; and

Whereas, in an effort to facilitate efficient and adequate communications services and protect the interests of its residents, the _____ desires to regulate the construction and the placement of
(Governing Body)
communications towers and antennae; and

Whereas, federal and state statutes and regulations impose certain limitations on the _____ 's ability to regulate the placement and construction of communications
(City, Township, Borough, County)
towers and antennae; and

Whereas, it is necessary to amend the Zoning Ordinance to make it consistent with the interests of the _____ and its residents and the limitations imposed by federal and state
(City, Township, Borough, County)
statutes and regulations.

NOW THEREFORE, _____ ordains that the Zoning Ordinance
(Governing Body)

shall be amended as follows:

Section 1. In § _____, the following new definitions are hereby inserted in alphabetical order:

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 375 square feet.

Communications Tower: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Public Utility Transmission Tower: A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Structure: Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

Section 2. In § _____, the definition of Essential Services is hereby amended to read as follows:

Essential Services: the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein.

Section 3. In the R-1 District (Single-family Residential) and R-2 District (Multi-family Residential), the following new Use by Right is hereby inserted:

Communications antennas mounted on an existing Public Utility transmission tower, building or other structure, and communications equipment buildings.

Section 4. In the P District (Parks), the following new Use by Right is hereby inserted:

Communications antennas mounted on an existing Public Utility transmission tower, building or other structure, and communications equipment buildings.

Section 5. In the Conservancy District, the following new Use by Right is hereby inserted:

Communications antennas mounted on an existing Public Utility transmission tower, building or other structure, and communications equipment buildings.

- Section 6. In the Conservancy District, the following new Use by Special Exception is hereby inserted:
 Communications towers subject to the Standards For Communications Towers As Special Exceptions set forth at § _____ and communications equipment buildings.
- Section 7. In the C District (General Commercial), the following new Use by Right is hereby inserted:
 Communications antennas mounted on an existing Public Utility transmission tower, building or other structure, including existing Communications Towers, and communications equipment buildings.
- Section 8. In the C District (General Commercial), the following new Use by Special Exception is hereby inserted:
 Communications towers subject to the Standards For Communications Towers As Special Exceptions set forth at § _____, and communications equipment buildings.
- Section 9. In the C-1 District (Central Commercial), the following new Uses by Right are hereby inserted:
 Communications antennas mounted on an existing Public Utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings.
- Section 10. In the C-1 District (Central Commercial), the following new Use by Special Exception is hereby inserted:
 Communications towers subject to the Standards For Communications Towers As Special Exceptions set forth at § _____, and communications equipment buildings.
- Section 11. In the M District (Manufacturing), the following new Use by Right is hereby inserted:
 Communications antennas mounted on an existing Public Utility transmission tower, building or other structure, including existing communications towers, and communications equipment buildings.
- Section 12. Section (General Height Provisions and Exceptions) is hereby amended by adding the following sentence at the end of the paragraph:
 These height exceptions shall not apply to any communications antennas or communications towers.
- Section 13. Section (General Area Provisions and Exceptions) is hereby amended by adding the following:
Regulations Governing Communications Antennas and Communications Equipment Buildings.
 Building mounted communications antennas shall not be located on any single-family dwelling or two family dwelling.
 Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.
 Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width.

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the _____'s
(City, Township, Borough, County)

Building Code and other applicable law.

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications antennas shall not cause radio frequency interference with other communications facilities located in the _____.
(City, Township, Borough, County)

A Communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

Section 14. Section (Special Exceptions) is hereby amended to add the following:

Standards For Communications Towers as Special Exceptions.

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

- (a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
- (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (e) A commercially reasonable agreement could not be reached with the owners of such structures.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the Zoning District.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

In all zoning districts except M (Manufacturing), the maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of one hundred fifty (150) feet. In the M (Manufacturing) Zoning District, the maximum height of any communications tower shall be 180 feet.

The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any Residential District at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

The base of a Communications Tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the

current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the _____'s Building Code.

(City, Township, Borough, County)

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.

All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

The site of a communications tower shall be secured by a fence with a maximum height of 8 feet to limit accessibility by the general public.

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

Communications Towers shall be protected and maintained in accordance with the requirements of the _____'s Building Code.

(City, Township, Borough, County)

If a Communications Tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six 6 months of the expiration of such 12 month period.

One off street parking space shall be provided within the fenced area.

Section 15. 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 into an Ordinance and passed by the (City, Township, Borough, County)

_____ on this _____ day of _____, 20____.
(Governing Body)

ATTEST:

Manager/Secretary

Chairman/President

Pennsylvania Department of Community & Economic Development
Governor's Center for Local Government Services
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

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