

ORDINANCE NO. 9 - 2000

WIRELESS COMMUNICATION ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE STROUD TOWNSHIP ZONING ORDINANCE, AS HERETOFORE AMENDED, ADDING PROVISIONS REGULATING 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 Township and its residents; and

Whereas Stroud Township Board of Supervisors recognizes that the Township, 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 Stroud Township Board of Supervisors therefore desires to encourage efficient and adequate wireless communication services within the Township while at the same time, 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 Stroud Township Board of Supervisors desires to regulate the construction and the placement of communications towers and antennae without prohibiting wireless services to the public or discriminating among wireless providers; and

Whereas, Federal and State statutes and regulations impose certain limitations on the Township's ability to regulate the placement and construction of communications towers and antennae; and

Whereas, it is necessary to amend the Zoning Ordinance to make it consistent with the interests of the Township and its residents and the limitations imposed by Federal and State statutes and regulations.

NOW THEREFORE, STROUD TOWNSHIP BOARD OF SUPERVISORS ordains that the Zoning Ordinance shall be amended as follows:

Section 1 Article II shall be amended to include the following definitions, to be inserted in alphabetical order.

Alternative Tower Structure – Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers used for wireless communication.

Antenna Height - The vertical distance measured from the base of the antenna to the highest point of the antenna.

Antennae Support Structure - Any communications tower or any other structure which supports an antenna.

Communications Antennae - Any device used for the transmission or reception of radio, telephone, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, but not limited to, omnidirectional 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.

Co-Location - The use of a single mount on the ground by more than one carrier (vertical co-location) and/or the placement of several mounts on an existing building by more than one carrier (horizontal co-location).

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 no greater than 400 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 antenna. This definition does not include any structure erected solely for a residential, non-commercial, individual use such as television antenna, satellite dish, or amateur radio antennas.

Directional Antenna - An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Fall Zone - The area on the ground within which there is a potential hazard from falling debris or collapsing material from a wireless communication facility.

FAA - Federal Aviation Administration

FCC - Federal Communications Commission

Guyed Tower - A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice Tower - A self-supporting tower structure with multiple legs and cross-bracing of structural steel.

Major Modification - Any increase or change in tower height, antenna height, number of antennas, impervious coverage devoted to the wireless communication facility, or any other standard regulated by this ordinance.

Maximum Permissible Height - The maximum height of a communications tower including all antenna, lightning rods, and other appurtenances.

Omnidirectional Antenna - A thin rod that serves as an antenna to transmit or receive radio frequency signals in a 360-degree radial pattern.

Panel Antenna - A flat surface antenna usually deployed in three directional "sectors" (0 to 120 degrees, 120 to 240 degrees, and 240 to 360 degrees) and used to receive or transmit radio frequency signals from or into that sector only.

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.

Tower Height - The vertical distance measured from natural ground level to the highest point on a Communications Tower, including antennas mounted on the tower. If the tower is located on a sloped grade, then the average between the highest and lowest grades shall be used in the calculation of tower height.

Whip Antenna - See Omnidirectional antenna

Wireless Communication Facility - An all encompassing definition for any towers, poles, antennas, equipment buildings, or other structures intended for use in connection with the transmission or receipt of radio or television signals or any other spectrum-based transmissions and receptions.

Section 2 Schedule 1 is hereby amended to include the following new uses

Land Use Activity	O-1	S-1	R-1	R-2	R-3	C-1	C-2	C-3	M-1
Communications Antenna	P	P	P	P	P	P	P	P	P
Communications Camouflaged Monopole Towers <50' Tall	S	S				S	P	S	P
All Other Communications Towers							S	S	S
Communications Equipment Building as an Accessory Use	P	P	P	P	P	P	P	P	P

Section 3 Article V is hereby amended by adding the following:

5.398 Wireless Communication Facilities

a. General Requirements

1. Submission of an application for any wireless communications facility is required for any new tower, new antenna, new equipment building, or major modification to an existing wireless communication facility. Submission of an application for any wireless communications facilities shall, in addition to those items required by Section 4.800 and Article XI of this Ordinance, include the following where applicable:

- a. Proof (certified mail receipt) of submittal of the application site plan to the following:

1. Appalachian Trails Conference
2. Stroud Township Park and Recreation Committee
3. Stroud Township Open Space Committee
- b. A copy of its current Federal Communications Commission license;
- c. the proposed structure.
- d. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000.00 per occurrence covering the proposed structure.
- e. A copy of any Environmental Assessment prepared in compliance with Federal NEPA regulations.
- f. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1).
- g. Proof of compliance with applicable FCC, FAA, Commonwealth Bureau of Aviation and any other airport regulations.
- h. Copy of typical specifications for the proposed structures and antenna, including description of design characteristics and material.
- i. A site plan, prepared in accordance with SALDO Section 2.603, showing the following
 1. Property boundaries
 2. Power location
 3. Communications Tower Heights
 4. Guy Wires and anchors
 5. Existing structures
 6. Parking
 7. Fences
 8. Landscaping
 9. Names and addresses of the owners of all antennas and equipment to be located at the site as of the date of the application.
 10. All uses within 500 feet of the proposed tower location.
 11. Existing antennas and service areas in Stroud Township and adjacent municipalities with proposed antenna service areas to document that a true gap in the service area exists.
- j. copy of any written agreements or other documentation pursuant to which the applicant has obtained the right to use the proposed site.
- k. A written agreement to remove all wireless communication facilities proposed within one hundred eighty (180) days of cessation of use, which written agreement shall be in a form acceptable to the Township.
- l. A letter of intent committing the wireless communication facility's owner and the Common Carrier(s) utilizing the facility and their respective successors to allow Stroud Township any other government agency to utilize the wireless communications facility in the case of an emergency, upon reasonable terms and conditions.
- m. Certification from a Pennsylvania registered engineer that the proposed wireless communications facility has been designed and will be constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunication Industry Association.

- n. In the case of a proposed antenna, evidence from a Pennsylvania registered Pennsylvania engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind, snow, and other loads associated with the antenna location is required.
 - o. Detailed construction and elevation drawings indicating how the antenna will be mounted on the structure.
 - p. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna are to be mounted so that installation and maintenance of the antennas and accessory structures can be accomplished.
 - q. An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
 - r. A report from qualified and licensed professional engineer which:
 - 1. Describes the communication tower height and design including a cross-section and elevation.
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas.
 - 3. Describes the communication tower's capacity, including the number and type of antennas that it can accommodate.
 - 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
 - 5. Includes an engineer's license/registration number, signature, and seal.
 - s. A letter of intent committing the tower owner and any successors to allow the shared use of the communications tower if an additional use agrees in writing to meet reasonable term and conditions for shared use
 - t. Written certification by the Applicant and Applicant's engineer that the proposed antenna and equipment could not be placed on a pre-existing facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification
 - u. and uses within that fall zone.
 - v. A co-location study documenting that there is no existing structure available to support the proposed antenna that will provide the necessary service.
 - w. communications facility could be constructed to meet the service needs of the consumer.
 - x. Appraisals of adjacent property values quantifying the impact of the installation of the tower on these properties.
2. Communications antennas, towers, and equipment buildings shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 3. The design of the proposed wireless communications facilities shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of the properties owned by other property owners in the zoning district in which it is located.

4. Communications antennas, towers, and equipment buildings shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation regulations.
5. Site selection shall utilize the following criteria, from most acceptable to least acceptable:
 - a. Existing structures suitable for the addition of antenna
 - b. Existing structures which can be made suitable for the addition of antenna through reasonable improvements
 - c. Township Owned Properties identified for wireless communication development
 - d. Properties located in the M-1 Zoning District
 - e. Properties located in C Zoning Districts
 - f. All other properties where wireless communication is a permitted activity
6. Communications antennas, towers, or equipment buildings shall not be located along ridgelines but rather downslope from the top of ridgelines to protect scenic views of Stroud Township.
7. Access shall be provided to the communications antennas, towers and equipment buildings by means of a public street or easement to public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
8. The site of a communications antenna, tower, or equipment building shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
9. One off-street parking space shall be provided within the fenced area.
10. Where an emergency power source is proposed, natural gas or propane fuels shall be used instead of batteries or liquid fuels for generators whenever:
 - a. A wetland, lake, or stream is located within one-hundred (100') feet of the facility.
 - b. A public or private well supplying potable water is located within one-hundred (100') feet of the facility.
 - c. The depth to seasonal high water table on the site is within one foot of the ground's surface.
 - d. The site contains hydric soils.
11. The base of a communications tower and any communications equipment buildings shall be landscaped in accordance with Section 6.200 and 6.300 so as to screen the foundation, base, and equipment building from abutting properties.
12. No communications antenna, tower, or building shall contain a sign advertising the owner or service. However, one sign not to exceed two (2) square feet may be placed on the gate of the fence indicating a 24-hour emergency telephone number.
13. All communications antenna, towers, and equipment buildings shall be constructed in such a manner as to not require lighting in accordance with FAA standards.
14. Wireless communications facilities shall not be illuminated by artificial means and shall not contain strobe lights. Any other exterior lighting the site shall be directed away from all adjacent properties and shall be in conformance with Section 6.470 of the Zoning Ordinance.

15. Communications antennas, towers, and equipment buildings shall be constructed, protected, and maintained in accordance with the requirements of the Township's building codes.
 16. All operations associated with a wireless communications facility shall conform to the general performance standards (Section 6.400).
 17. The owner or operator of wireless communication facilities shall be licensed by the Federal Communications Commission to operate such facilities.
 18. The operator of a communications antenna, tower, or equipment building shall be required to submit annual inspection reports demonstrating continued compliance with FCC emission standards as well as any applicable municipal, State, and Federal regulations.
 19. No new or existing telecommunication service shall interfere with public safety telecommunications. Before the introduction of new service, changes in existing service, or additions of new antennas, telecommunications providers shall notify Stroud Township at least ten (10) calendar days in advance of such changes and allow Stroud Township to monitor interference levels during the testing process.
 20. Wireless communications facilities shall be maintained and kept in a state of repair so that the same shall not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.
 21. All abandoned or unused wireless communication facilities shall be removed within one hundred eighty (180) days of cessation of operation and the site shall be restored to a natural condition. In addition, unused portions or wireless communication facilities above the manufactured connection shall be removed within one hundred eighty (180) days of the time of antenna relocation. In the event that a wireless communications facility is not removed within one hundred eighty (180) days of cessation of operation, the facilities may be removed by Stroud Township and the costs associated with this removal assessed against both the Applicant and the owner of the property on which the facilities exist.
- b. Communications Antenna
1. Building mounted communications antenna shall not be located on any single family dwelling or two family dwelling.
 2. Building mounted communications antenna shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
 3. Omnidirectional or whip communications antenna shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 4. Directional or panel communications antenna shall not exceed five (5) feet in height and three (3) feet in width.
 5. Communications antenna shall not cause radio frequency interference with other communications facilities located in the Township.
- c. Communications Towers
1. 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 antenna on an existing building, structure, or
 2. communications tower. A good faith effort shall require that all owners of potentially suitable structures within one-quarter 1/4 mile radius of the proposed tower site be contacted and that one (1) 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 antenna 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.
3. Communications Towers shall be located so as to not be discernable from any of the following:
 - a. The Appalachian Trail
 - b. Any Township, County, State, or Federal park, forest, or other recreational property.
 - c. Any point on a state-listed trout stream with public access within 100-yards it is the applicant's responsibility to demonstrate that the tower will not be visible from any of the above locations. Should this include the use of a balloon test or similar demonstration, adequate notice shall be provided to the public.
 4. The proposed communications tower in the specific location desire must be necessary for the efficient operation and provision of the wireless communication service to the neighborhood, area, or region for which it is proposed.
 5. A communications tower may be located on a lot occupied by other principle structures and may occupy a leased parcel within a lot. In either
 6. case, the lot must be sufficient such that the minimum lot size requirements for both uses in the zoning ordinance are met.
 7. 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.
 8. Sufficient justification is required when a lattice style communications tower is chosen over a monopoly style tower.
 9. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function. Maximum permissible height levels are as follows:

10.

Zoning District	Maximum Permissible Height
O-1	50 feet
S-1	50 feet
C-1	50 feet
C-2	150 feet
C-3	100 feet
M-1	150 feet

11. In all zoning districts, the foundation and the base of any communications tower shall be set back from a residential property line (not a lease line) at least seventy-five (75) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet. Furthermore, a horizontal distance of one foot per foot of tower height shall be provided between the base of the tower and any structure not located on the proposed wireless communication facility property. Where a guyed tower is proposed, the setback from a property line shall be increased to the length of the longest guy wire, if longer than the aforementioned setback.
 12. 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.
 13. Any proposed communications tower shall be designed, structurally, electrically, and in all other respects, to accommodate both the Applicant's antennas and comparable antennas for at least two (2) additional users if the tower exceed one hundred feet in height or at least one additional user if the tower exceeds sixty feet in height. Communications towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
 14. The proposed communications tower shall be designed to accommodate municipal and non-profit emergency service antennas and related equipment, which shall be allowed to be attached to any such tower at no charge to the Municipality or emergency service provider.
 15. Communications towers shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment.
 16. 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.
- d. Communication Equipment Buildings - A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning district for an accessory structure.

Section 4 Section 6.300 of the Zoning Ordinance (Landscaping) is hereby amended by the addition of the following:

Section 6.307 Landscaping of Communications Service Facility - Landscaping shall be required for any new communications tower and/or communications equipment building as follows:

- a. Communications Towers shall be landscaped with evergreen trees suitable to provide an immediate visual screening at least six feet in height. In addition, tree species and placement shall be such that long term screening of the tower at heights in excess of thirty feet can be expected. In most cases this will require a mixture of columnar and cone-shaped species planted no more than twenty feet on-center in staggered rows.

- b. Communications Equipment Buildings shall be landscaped with a mixture of evergreen trees to screen the building from adjacent properties and/or streets and shade trees, shrubs, and ground cover to restore any cleared area between the building and adjacent properties or streets to a natural condition.
- c. The governing body may offer relief from the above requirements if the Township Engineer makes a recommendation that existing vegetation will meet the intent of this section throughout the year.

Section 5 Unless otherwise stated herein, the provisions of this ordinance shall not apply to pre-existing wireless communication facilities unless the same are altered, modified, or replaced.

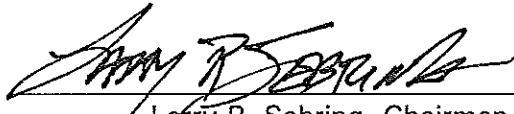
Section 6 Except as amended hereby, all provisions of Ordinance 5 - 1998 shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, and hereby repealed.

Section 7 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Supervisors hereby declare that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

Section 8 This ordinance shall take effect from the earliest date allowed under the laws of the Commonwealth of Pennsylvania.

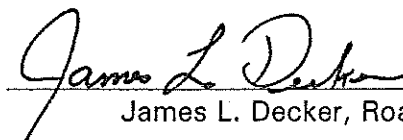
ORDAINED AND ENACTED into an Ordinance at a special meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 19th day of June, 2000.

STROUD TOWNSHIP SUPERVISORS


Larry R. Sebring, Chairman

(TOWNSHIP SEAL)


Edward C. Cramer, Vice Chairman


James L. Decker, Roadmaster