

**BOROUGH OF MOUNT POCONO  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2 of 2017**

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 215 OF THE CODE OF THE BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, TO UPDATE THE STANDARDS FOR COMMERCIAL COMMUNICATION DEVICES.

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*; that the Borough of Mount Pocono's Zoning Ordinance, Chapter 215 of the Code of the Borough of Mount Pocono, is hereby amended as follows:

ITEM 1 – Amend and add the following definitions in §215-12 to read as follows:

Amend:

**RIGHT-OF-WAY (ROW)**

- A. Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.
- B. The surface of and space above and below any real property in the Borough in which the Borough 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 Borough and any unrestricted public lands, but excluding lands other than streets that are owned by the Borough.
- C. The phrase “in the Right(s)-of-Way” means in, over, along, above and/or under the Right(s)-of-Way.
- D. For the purpose of this ordinance, ROW(s) shall also include streets and roads owned by Monroe County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.

**WIRELESS COMMUNICATIONS FACILITY**– Any structure or equipment which is intended for commercial or governmental use in transmitting or receiving television, radio, telephone or other electronic communications, including internal or agency communications, and any such facility in a public right-of-way or not in a public right-of-way.

- A. **MACRO WIRELESS COMMUNICATION FACILITY** – Any unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of an antenna array and/or microwave dish(es), connection cables, an equipment facility and a support structure or attachment structure to achieve the necessary elevation.
- B. **MICRO WIRELESS COMMUNICATION FACILITY** – Small network node, small cell, picocell and all non-macro cellular systems; and self-contained wireless communications devices designed to provide cellular telephone coverage to a limited, targeted and small area which are used to add coverage or capacity to an existing wireless service provider's network where it is not feasible to equipment facility capable of being mounted onto the attachment or support structure and antenna that is either:
  - 1. No more than five feet in height with a face area of not more than 580 square inches; or
  - 2. If a tubular antenna, no more than four inches in diameter and no more than seven feet in length.

The definition does not include the following which are not appropriate subjects of this chapter:

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.
- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.
- F. Privately owned antennas for receiving commercial television or radio serving a dwelling.

**WIRELESS COMMUNICATIONS FACILITY SUPPORT STRUCTURE/TOWER HEIGHT** – The vertical distance measured from the base of the support structure/tower at grade to the highest point of the structure/tower. If the support structure/tower is on a sloped grade,

then the average between the highest and lowest grades shall be used in calculating the height.

**WIRELESS COMMUNICATIONS FACILITY SUPPORT TOWER** – Any pole, telescoping mast, tower, tripod, or any other structure which is constructed to support a wireless communications antenna array.

**WIRELESS COMMUNICATIONS FACILITY ATTACHMENT STRUCTURE** – An existing building which is 35 or more feet in height or an existing structure suitable for the support of a wireless communication facility that was designed and constructed for another purpose. In addition to a qualifying building, such existing structures shall include, but not be limited to, utility poles, signs, water towers, and municipally-owned towers.

**WIRELESS COMMUNICATIONS FACILITY ANTENNA ARRAY** – One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (rod), directional antennas (panel) and parabolic antennas (disc). The *antenna array* does not include *the wireless communications facility support structure or tower* as defined herein.

**WIRELESS COMMUNICATIONS FACILITY, STEALTH DESIGN** – Any *wireless communication facility* which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened and/or landscaped antenna arrays, equipment facilities and support structures designed to look similar to a support structure, such as a light pole, power pole, or component of a building or a tree.

ITEM 2 – Amend and move §215-47 - Commercial communications devices (WCF) to §215-58.1 to read as follows and mark §215-47 *Reserved*:

215-58.1 Wireless Communication Facilities (WCF)

In addition to all other applicable standards of this ordinance, the following regulations shall apply to wireless communications facilities (WCF) including, but not limited to, cellular phone antennas, antennas for communication service regulated by the PA Public Utility Commission, and other commercial antennas and associated facilities.

A. Purposes

- (1) To accommodate the need for communication facilities while regulating their location and number in the Borough in recognition of the need to protect the public health, safety and welfare.
- (2) To minimize the adverse visual effects of communication facilities and support structures through proper design, siting and vegetative screening.
- (3) To avoid potential damage to adjacent properties from communication facility support structure failure and falling ice, through engineering and proper siting of support structures.
- (4) To encourage the joint use of any wireless communication facility support structures and to reduce the number of such structures needed in the future.

B. Permits; Use Regulations - A permit shall be required for every WCF and support structure installed at any location, whether in or out of a right-of-way, and the following use regulations shall apply:

- (1) Existing Tall Structures - A WCF site with a WCF that is attached to an existing communications tower, smoke stack, water tower, other tall structure or a building not less than 35 feet in height and where the height of the WCF does not exceed the height of the existing structure by more than 20 feet shall be permitted in all Districts as an accessory use and special exception approval shall not be required. A WCF on a single-family or two-family dwelling and on utility poles in R-1, R-2 and R-3 Districts shall not be permitted. Any subsequent installations above the initial twenty-foot height increase shall be prohibited. The applicant shall provide the following information:
  - (a) Evidence 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.
  - (b) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Borough for compliance with the applicable requirements.
  - (c) Evidence of recorded 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 WCF and associated equipment can be accomplished.
- (2) New Structures and WCF Exceeding 20 Feet on Existing Structures - A WCF site with a WCF that is either not mounted on an existing eligible structure, or is more than 20 feet higher than the structure on which it is mounted shall be permitted only in those Districts specified on the Schedule of Uses and shall require special exception approval in accord with this §215-58.1.
- (3) New Tower-Based WCF in a Right-of-Way - A new tower-based WCF shall only be permitted in a right-of-way in accord with the following:



- (a) No such facility shall be located in any area where utility infrastructure is installed underground. In areas not served by above ground utility infrastructure, a new tower-based WCF may be constructed only at intersections of a Borough and state street or state street intersections to provide coverage and capacity.
- (b) The stand-alone tower shall not exceed the average height of the nearest two poles with a maximum height of 35 feet and the total height with all equipment shall not exceed 20 feet above the tower.
- (c) The tower shall be self-supporting and guy wires shall not be permitted.
- (d) Tower-based WCF in a Borough right-of-way.

[1] In addition to the required application and permit fees, every tower-based WCF in a Borough ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for the use and occupancy of the ROW. Such compensation for ROW use shall directly related to the Borough'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 Borough. The owner of each tower-based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based WCF shall be determined by the Borough and authorized by resolution of the Borough Council and shall be based on the Borough's actual ROW management costs as applied to such tower-based WCF.

[2] Prior to the issuance of a permit, the owner of each individual tower-based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Borough Engineer. The return of the deposit shall be contingent upon the proper restoration of the ROW and compliance with the terms and conditions of this chapter. Upon installation of the tower-based WCF, the applicant shall notify the Borough that the site is ready for inspection. The Borough Engineer shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 30 days. The restoration deposit may be forfeited in whole or in part to the Borough if any work is found to be incomplete or not in compliance with all applicable standards.

(4) Associated Use - All other uses ancillary to the WCF (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the WCF site, unless otherwise permitted in the Zoning District in which the WCF site is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the WCF.

(5) WCF as a Second Principal Use - A WCF shall be permitted on a property with an existing use subject to the following land development standards:

- (a) The WCF facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- (b) The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the WCF and support structure shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
- (c) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (d) The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

C. Permits; for modifications to existing WCFs – While building codes would remain applicable, no zoning permits or land use approvals are required as long as the modification does not constitute a 'Substantial Change'. A substantial change is defined below:

*Substantial Change or Substantially Change:* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1) for towers, other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (2) for towers, other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;



- (3) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (4) It entails any excavation or deployment outside the current site.

D. Standards – The following standards shall apply to all WCF:

- (1) Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Borough, using technological evidence, that the WCF and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of WCF to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant shall provide information on the general location of other towers/sites planned for the region.
- (2) Collocation; New Tower - If the applicant proposes to build a tower (as opposed to mounting the WCF on an existing structure), the Borough may require the applicant to demonstrate that it contacted, in writing, the owners of tall structures within a two-mile radius of the site proposed, asked for permission to install the WCF on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, WCF support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the WCF on an existing structure, thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed WCF. A good faith effort shall demonstrate that one or more of the following reasons apply to a particular structure:
  - (a) The proposed equipment would exceed the structural capacity of the existing structure; and, its reinforcement cannot be accomplished at a reasonable cost.
  - (b) The proposed 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 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) WCF Height; Airport Zoning; Design
  - (a) The applicant shall demonstrate that the WCF is at the minimum height required to function satisfactorily and provide adequate height for eight service providers. The maximum height of any WCF shall be 200 feet and shall comply with the Borough's Airport Hazard Zoning Ordinance (Chapter 52).
  - (b) The Borough may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antenna arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation.
  - (c) WCF equipment buildings shall comply with the accessory structure height limitations of the applicable Zoning District.
  - (d) The Borough shall require *stealth* design or specific colors to ensure that the WCF is compatible with the surrounding landscape; and, such determination shall be based on a balloon test for height conducted by the applicant.
- (4) Setbacks - If a new WCF support structure is constructed (as opposed to mounting the WCF on an existing structure) or if the WCF height exceeds the height of the existing structure on which it is mounted by more than 20 feet, the following minimum setbacks shall apply.
  - (a) Separate Parcel - If the parcel on which the WCF and support structure are located is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the WCF structure plus the normal setback for the District. The setback for equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet.
  - (b) Lease, License or Easement - If the land on which the WCF and support structure is leased, or is used by license or easement, the setback for any part of the WCF, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet from the line of lease, license or easement. In any case, the distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the WCF structure.



- (5) WCF Support Structure Safety - The applicant shall demonstrate that the proposed WCF and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed WCF and support structure 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 any applicable building code. Within 45 days of initial operation, the owner and/or operator of the WCF and support structure shall provide a certification from a Pennsylvania registered professional engineer that the WCF and support structure comply with all applicable regulations.
- (6) Stealth Design - Wireless communication facilities shall be of stealth design, as required by the Borough, and shall comply with the following standards relating to neighborhood character, aesthetics, placement, material and colors:
- (a) Wireless communication facilities attached to an existing structure shall be designed and maintained to blend in with the existing structure to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility and use of compatible or neutral colors.
  - (b) Wireless communication facilities attached to an existing structure shall be screened in a reasonable and achievable manner.
  - (c) Wireless communication facilities proposed on a new tower, including support structure(s), shall be designed to blend in with the existing surroundings, including the use of compatible colors and disguised structures.
  - (d) Equipment facilities shall, to the extent practicable, use materials, colors and textures that blend in with the natural setting and built environment.
- (7) Fencing - A fence shall be required around the WCF support structure and other equipment, unless the WCF is mounted on an existing structure. The fence shall be a minimum of eight feet in height.
- (8) Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the WCF and support structure site from neighboring properties. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the WCF is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (9) Collocation; Other Uses - In order to reduce the number of WCF support structures needed in the community in the future, the proposed support structure for a new tower facility shall be required to accommodate other users, including, but not limited to, other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Borough for the purpose of assessing the feasibility of co-located facilities. The proposed structure, as determined by the Borough, shall be constructed to provide available capacity for other providers if there is a future additional need for such facilities.
- (10) Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission, and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the WCF and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the WCF and support structure. The applicant shall provide the Borough with annual proof of renewal prior to expiration.
- (11) Access - Access to the WCF and support structure shall be provided 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.
- (12) Signs; Lighting; FAA and PA DOT Notice
- (a) No signs or lights shall be mounted on a WCF except as may be required by this §215-58.1, Federal Communication Commission, Federal Aviation Administration or another governmental agency which has jurisdiction.
  - (b) No WCF support structure may be artificially lighted, except as required by the Federal Aviation Administration.
  - (c) The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation; and, the WCF and support structure shall comply with all FAA and PA DOT requirements.
- (13) Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.



- (14) Historic Structures - A WCF shall not be located on a building or structure that is listed on a historic register or within 500 feet of such a structure.
- (15) Identification - All antenna support structures, including, but not limited to, equipment buildings and cabinets, shall clearly display the operator's name, license number and emergency telephone number.
- (16) Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the WCF.
- (17) Discontinued Use - If any WCF or support structure ceases to be used as a communications facility, the owner or operator or then owner of the land on which the WCF and support structure is located shall be required to remove the same within 90 days from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. In addition, at the time of zoning permit issuance for any WCF the Borough shall require a financial guarantee, in a term, form and amount determined by the Council with the advice of the Borough Solicitor, to guarantee the removal of the WCF.
- (18) Site Plan - A full site plan shall be required for all WCF and support structure sites, showing the WCF, WCF support structure, building, fencing, buffering, access, and all other items required in the Borough's Subdivision and Land Development Ordinance. The site plan shall not be required if the WCF is to be mounted on an existing structure and the WCF does not exceed the height of the existing structure by more than 20 feet. A land development plan approved pursuant to the Borough's Subdivision and Land Development Ordinance shall be a prerequisite to the construction of a communications equipment building or other roofed structure erected pursuant to this Ordinance which have a combined gross floor area of greater than 100 square feet.
- (19) Payments to the Borough
  - (a) The fees, charges and rental prescribed by the Borough Council and which must be paid for the installation and maintenance of a wireless communication facility in the Borough are set forth in the Borough's Application and Permit Fee Schedule, hereof.
  - (b) Application fee and escrow deposit.
    - a. The applicant shall pay the Borough an application fee as described in the Borough's Application and Permit Fee Schedule at the time of filing the application.
    - b. An applicant seeking to install one or more wireless communication facilities outside the ROW shall also establish a single escrow deposit with the Borough, as set forth in the Borough's Application and Permit Fee Schedule, out of which the Borough will make payment of the fees and charges of those consultants and professional advisors as deemed necessary by the Borough for the processing of the application. The applicant shall be requested to replenish the escrow if sufficient funds are not available to make such payments and shall make such additional payments within 10 business days of the request, in default of which the processing of any of applicant's applications shall be suspended. Failure to make such payment within 30 business days of the request shall result in all pending applications being rejected.
    - c. If requested, the Borough shall supply the applicant with an itemized statement of the use of the escrow funds at the time any request for additional payment is made and at the time the escrow is closed out, at which time any balance in the account shall be returned.
  - (c) Payments and charges relating to the construction and maintenance of micro facilities in the ROW.
    - a. For micro facilities installed in the ROW, the applicant must pay an annual ROW use fees as set forth in the Borough's Application and Permit Fee Schedule fees.
    - b. For micro facilities located on Borough owned attachment structure in the ROW, the applicant must also enter into a support structure attachment agreement with the Borough and pay the Borough the rental fees therefore described in the Borough's Application and Permit Fee Schedule
    - c. Other charges or fees may be applicable as set forth in the Borough's Application and Permit Fee Schedule, fees, depending on the extent of use of ROW, and shall be calculated by the Borough Council or its designee in conjunction with the application review.
  - (d) Payments and charges applicable to wireless communication facilities on Borough owned lands and attachment structures not in ROW. The Borough Council or its designee is authorized to negotiate the terms of a lease agreement and the appropriate rental for the use of Borough owned lands and attachment structures. The availability of space on Borough facilities shall be determined on a case-by-case basis and made available to providers on a first-come first-served basis. No building permit for a wireless communications facility will be issued with respect to Borough property until the lease agreement has been accepted by the Borough.
  - (e) Timing and place of payment. Unless otherwise agreed to in writing all fees shall be paid in advance. Payments shall be delivered to the attention of Zoning Officer.

- (f) Taxes and assessments. To the extent taxes or other assessments are imposed by taxing authorities on the use of Borough property as a result of an applicant's use or occupation of the ROW or of Borough owned or lease property, the applicant shall be responsible for payment of such taxes, payable annually unless otherwise required by the taxing authority. No rental payment shall constitute a payment in lieu of any tax fee or other assessment, except as specifically provided in this article or as required by applicable law.
- (g) Interest on late payments. In the event that any fee is not actually received by the Borough on or before the applicable date fixed in use agreement, interest thereon shall accrue from such date until received at 15% per annum.

(20) Maintenance

- (a) Wireless communication facility providers shall at all times employ ordinary and reasonable care and install and maintain in use nothing less than the best available technology for preventing failures and accidents which are likely to cause damage, injury or nuisances to the public.
- (b) Wireless communication facility providers shall install and maintain wireless communication facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Code and all FCC, state and local regulations and in such manner, that will not interfere with the use of other property.
- (c) Wireless communication facilities 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 menace or endanger the life or property of any person.
- (d) Noise. Wireless communication facilities shall be operated and maintained so as not to produce noise in excess of the applicable noise standards under state law or the Borough code, except in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis.
- (e) In the event that the use of a wireless communication facility is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. If such wireless communication facility is not removed within 90 days, the Borough may remove it at the owner's expense.
- (f) Inspections. The Borough and/or its agents shall have authority to enter onto the property upon which a wireless communication facility is located at any time, upon reasonable notice to the provider (which notice shall provide an opportunity for the provider's supervision of such entry), for any purposes associated with the permitted use of the property, including , but not limited to, the purpose of determining whether the wireless communication facility complies with this article, Building Construction, of the Borough of Mount Pocono Code and all other construction standards provided by the Borough's code and federal and state law.

**SEVERABILITY**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

**EFFECTIVE DATE**

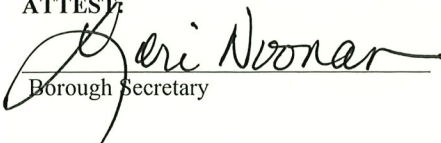
This Ordinance shall become effective immediately upon adoption.

**ADOPTION**


ORDINANCE ORDAINED AND ENACTED this 6th day of March, 2017, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, to be effective immediately.

By:   
Council President

**ATTEST:**

  
Borough Secretary

APPROVED this 6th day of March, 2017

By:   
Mayor

