

**West Mead Township
Crawford County, Pennsylvania
Ordinance No. 2001 - 4**

**ORDINANCE TO AMEND THE WEST MEAD TOWNSHIP ZONING ORDINANCE TO ADD
LAND USE REGULATIONS FOR COMMUNICATIONS TOWERS**

Whereas, the Board of Supervisors of West Mead Township has determined that due to the expansion of wireless communication facilities in the area of the Township, and the lack of existing regulations in the Township's Zoning Ordinance, the best interests of the West Mead Township residents will be served by adding land use regulations to the Zoning Ordinance for communications structures, consistent with the 1996 Federal Telecommunications Act.

Now Therefore, be it Ordained and Enacted by the Board of Supervisors of West Mead Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority thereof as follows:

Section 1. Section 504.2 of the West Mead Township Zoning Ordinance entitled "Conditional Uses", Ordinance No. 1985-1, adopted June 18, 1985, the zoning regulations for the Rural Residential (**RR**) zoning district, is amended by adding a subsection (g) as follows:

(g) Communications tower(s) subject to the regulations set forth in Section 631.

Section 2. Section 509.2 of the West Mead Township Zoning Ordinance, Ordinance No. 1985-1, adopted June 18, 1985, entitled "Conditional Uses" the zoning regulations for the Light Industrial (**LI**) zoning district, is amended by adding a subsection (p) as follows:

(p) Communications tower(s) subject to the regulations set forth in Section 631.

Section 3. Section 300 of the West Mead Township Zoning Ordinance, Ordinance No. 1985-1, adopted June 18, 1985, as amended, the definitions section of the Ordinance is amended by adding the following definitions:

Alternative Tower Structure means man-made trees, clock towers, tall steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas on towers.

Communications Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole

towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto. A communications tower shall not include towers and antenna structures of 100 feet or less for government or private, non-commercial and amateur purposes, including, but not limited to, ham and citizens band radios.

Communications Antenna means 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, 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 citizens band radio antennas.

Section 4. Article 6 entitled Supplementary Regulations of the West Mead Township Zoning Ordinance, Ordinance No. 1985-1 adopted June 18, 1985, as amended, is amended by adding a new Section 631 as follows:

Section 631. Communications Tower Regulations.

Section 631.1 Application. An application for a conditional use permit for a communications tower shall be submitted and include the following:

- (a) Information required by Section 901 of this Zoning Ordinance.
- (b) Scaled site plan showing the location, type and height of the tower and other related structures, fenced area and access road, surrounding land uses within 500 feet, and boundaries of surrounding properties.
- (c) Information concerning topography, adjacent land uses, intended use of proposed tower, type of security, and tower lighting.
- (d) Information concerning the ownership of the land and agreements, if any, pertaining to its use for communication tower purposes.
- (e) Information about adjacent roadways, proposed means of access and traffic.
- (f) Elevation drawings of the proposed tower and any other structures and information about impact on surrounding topography.

- (g) Plans for fencing and finished color, landscaping, and other means of camouflage.
- (h) Information about the setback distance between the proposed tower and the nearest residential dwellings, public roads and property lines,.
- (i) Information about the location of and the separation distance from other communications towers within a 3 mile radius with reference to a site map, together with information about the type of construction of the existing tower(s), as well as the owner/operator of the existing tower(s).
- (j) Information about whether construction of the tower will accommodate collocation of additional antennas for future users, and if not why it will not.
- (k) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (l) A description of the feasible locations of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (m) Written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
- (n) Information about what environmental evaluations are required under the National Environmental Policy Act (NEPA) as referenced in applicable FCC rules and the results of any undertaken to date of application. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, information about when those studies will be done.
- (o) Engineering information detailing the size and coverage required for the facility location.

Section 631.2 Collocation Requirement. No new tower shall be permitted unless the applicant provides substantial evidence to establish that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's

proposed antenna and requirements, or that the proposed tower will accommodate the collocation of multiple antennas and users in sufficient numbers to substantially reduce the reasonably foreseeable commercial need for multiple towers, and that there is no commercially available technologically and financially feasible alternative technology that does not require the use of towers or similar structures. Evidence to demonstrate that no existing tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (d) Existing structures do not have sufficient location, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (e) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (f) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such tower exceeding applicable standards established by the Federal Communications Commission.
- (g) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (h) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

Section 631.3 Specific Conditions for Communications Towers in the Rural Residential District.

- (a) The lot shall be a minimum of five (5) acres.

- (b) The base of the tower shall be set back from every property line and residential structure at least the height of the tower.

Section 631.4 Specific Conditions for Communications Towers in the Light Industrial District.

- (a) The lot shall be a minimum of one (1) acre.
- (b) The base of the tower shall be set back from all residential structures at least the height of the tower.
- (c) The base of the tower shall be set back at least 60% of the tower height from the nearest property line.

Section 631.5 General Site Regulations.

- (a) A Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements.
- (b) All guy wires, and guy wire anchors shall be at least twenty-five (25) feet from the nearest property line.
- (c) The maximum height of any tower, including communications antennas located thereon, shall be 300 feet.

Section 631.6 Safety and Security Standards.

- (a) Tower owner and operator shall permit only communications antennas and related devices and equipment on the tower, and only persons with proper FCC licenses, as may be required, to utilize the Communications Tower. Communications devices/antennas to be located on Communications Towers shall comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
- (b) Communications Towers shall be designed and constructed in accordance with current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Associations/Telecommunications Industry Association, and all other applicable building codes. Certification of such compliance from a Pennsylvania registered engineer shall be required before building permits shall be issued.

- (c) Communications Towers shall be constructed and maintained in accordance with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport and other Zoning Regulations.
- (d) 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 twenty (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. If access is from a public road, a gate may be required.
- (e) 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.
- (f) The Communications Tower and related buildings and equipment shall be secured by a fence with a latched gate. The minimum height of the fence and gate shall be eight (8) feet to limit accessibility by the general public.

Section 631.7 Visual Impact Reduction Standards.

- (a) Towers shall either maintain a galvanized steel finish, subject to any applicable governmental or engineering standards, or be painted a neutral color, so as to reduce visual obtrusiveness.
- (b) At a tower site, the design of the tower buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and environment.
- (c) Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

- (d) No lights shall be mounted on the tower except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental authority with jurisdiction. If lighting is required, it shall be designed, installed and maintained to cause the least disturbance to surrounding viewpoints, consistent with applicable governmental regulations.
- (e) No signs of any kind shall be mounted on the tower except as may be required by applicable governmental regulations.

Section 631.8 Non Tower Communications Antenna Regulations.

- (a) Communications antenna shall be permitted in any zoning district if located on an existing structure subject to the following regulations.
- (b) Building mounted communications antennas shall not be located on any single family dwelling or two family dwelling.
- (c) Building mounted communications antennas shall not exceed the height of the existing structure by more than 25 feet or the height limitations of the zoning ordinance by more than 25 feet.
- (d) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit 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.
- (e) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence sufficient to show that the installation will meet applicable building code requirements.
- (f) 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 and maintained.
- (g) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color

of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

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

Section 631.9 Administrative Requirements.

- (a) The Township shall be notified of any change in ownership of a communications tower.
- (b) The ownership of a communications tower shall maintain in effect for the life of the tower, a bond or other appropriate security in an amount that represents the estimated cost for removal and disposal of the tower if abandoned, for the use and benefit of the Township, meeting the requirements of the Township's Subdivision and Land Development Ordinance and otherwise satisfactory to the Township. This security shall be available for the Township's use in the event the tower is abandoned and the tower owner is incapable or unwilling to remove the tower.
- (c) The owner of a communications tower shall maintain in effect for the life of the tower general liability insurance in a minimum aggregate amount of \$500,000 for property damage and bodily injury per occurrence.
- (d) Annually, on or before June 30 of each year, the owner of a communications tower shall provide the Township with the following:
 - (1) A statement of the number and kinds of communications equipment located on the tower and reasonable proof or certification that such communications equipment is being operated and maintained in accordance with applicable FCC license and regulatory requirements.
 - (2) The name, address and telephone number for the operator of the communications tower.
 - (3) Proof that the bonding and insurance requirements of this Ordinance are in effect.

- (4) Reports of inspections of the communications tower and tower maintenance program.
- (5) A fee as established from time to time by Resolution of the Township Supervisors to cover the Township's cost of administering this regulation.

Section 631.10 Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of written notice from the Township to the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. The bond or security may be used to cover the Township's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 631.11 Existing Towers. Existing nonconforming towers or antennas that are damaged or destroyed may not be rebuilt without having to first obtain approval or a conditional use permit and without having to meet the requirements specified in this Ordinance. Building permits to rebuild the facility shall comply with the then-applicable codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

Section 5. Ratification of Zoning Ordinance. The remaining provisions of the West Mead Township Zoning Ordinance, Ordinance No. 1985 - 1, not amended by this Ordinance, are ratified and confirmed.

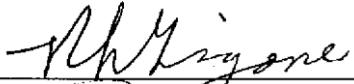
Section 6. Severability. Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any Code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.


Section 7. Repealer. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 8. Effective Date. The provisions of this ordinance shall become effective in five days.

Enacted as an Ordinance of West Mead Township this 4th day of December, 2001.

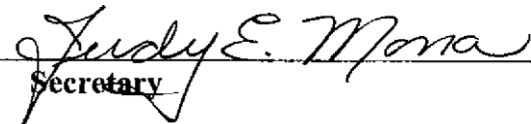
West Mead Township Board of Supervisors

By: 
Chairman

By: 
Supervisor

By: _____
Supervisor

Attest:

By: 
Secretary

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