

## Chapter 140: Telecommunications Facilities

### § 140-1 Purpose and goals.

The purpose of this article is to establish general guidelines for the siting of wireless communication facilities. The goals of this article are to:

- A. Provide procedures and guidelines for the location, placement and construction of wireless communication facilities in the Township and for payment of fees and charges that are uniformly applied to all persons.
- B. Provide clear performance standards and review requirements addressing the siting of wireless communication facilities.
- C. Encourage the location of wireless communication facilities on existing structures, including utility poles, signs, water towers, buildings and other wireless communication facilities where feasible.
- D. Ensure that wireless communication facilities will be safe and blend into their environment to the greatest extent possible.
- E. Encourage collocation and site sharing of new and existing wireless communication facilities.
- F. Encourage the use of public property and structures for wireless communication facilities to the greatest extent possible and provide for mechanisms to achieve fair and equitable rental for the use of such property.
- G. Enhance the ability of providers of wireless communication services to provide such services to the Township quickly, effectively and efficiently.
- H. Establish guidelines and standards for use of the rights-of-way ("ROW").
- I. Preserve the residential character of adjacent neighborhoods.
- J. Comply with the Telecommunications Act of 1996.

### § 140-6 Wireless communication facilities within the right-of-way.

- A. Uses permitted. Micro facilities are the only type of wireless communication facilities permitted in a ROW.
- B. Support structure. The antenna array must be mounted on a monopole support structure, such as a utility pole, in compliance with construction standards approved by the Township Engineer. The support structure must be located in proximity to other similar support structures within the right-of-way and cannot exceed them in height by more than five feet.
- C. ROW use agreement. Every provider who desires to construct, install or maintain wireless communication facilities in the ROW must enter into a right-of-way use agreement with the Township as a prerequisite to the issuance of ROW use permits.
- D. ROW use permit required. Every provider who constructs, installs or maintains a wireless communication facility in the ROW must obtain a ROW use permit for each such facility by making application to the Department of Building and Planning for each location and paying a fee therefor as prescribed in Chapter A167. A single application may request permits for multiple sites.  
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  - (1) Nature of grant. A use permit shall not convey title, equitable or legal, in the ROW. A use permit grants the right to occupy a ROW in the Township and may also grant the right to erect a new support structure.
  - (2) Support structure attachment agreement. If the antenna array is to be erected on a third party's support structure, the consent of the third party must be attached to the application. If the antenna array is to be erected on a Township support structure, the application shall include a request therefor. If granted, the provider must enter into a support structure attachment agreement with the Township and pay an annual fee for the use of the Township's facilities.

- (3) Transfer of permit. Use permits may be transferred upon notification to the Township and acceptance by the transferee, but only to a provider who is a party to a current ROW use agreement with the Township.
- (4) Term of use permits. Use permits shall have a one year term, automatically renewable, subject to then current code provisions and the payment of an annual user fee to the Township.
- (5) Location. The Township shall refuse to issue a use permit if the proposed location of the wireless communication facility interferes with the use of the ROW by others or is contrary to public safety. The Township shall require a permitted wireless communication facility to be relocated at the permittee's expense if necessary to accommodate the location or relocation of the ROW facilities of the Township or a public utility or to protect the public safety.

E. Equipment facility. In the event that any equipment facility of an outside volume exceeding eight cubic feet is installed in the ROW, such equipment facility must be installed so that the roof or lid is either below or is flush with local ground-level grade. All such equipment facilities shall be shown in the application. The Board of Commissioners may grant a waiver to this requirement, on a case-by-case basis, upon the applicant's showing of need, provided that the facility does not constitute an obstruction in the ROW which would endanger public safety.

- (1) Equipment cabinets of any size on a support base located outside of the ROW used in conjunction with a wireless communications facility within the ROW will not be considered a separate use of the property upon which they are located, except in a residentially zoned district.