

BILL NO.: 2

INTRODUCED: August 16, 2016

BY: Mayor Greg Lincoln

ENACTED: September 20, 2016

ORDINANCE NO.: 1523

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA AMENDING THE CITY OF CONNELLSVILLE ZONING ORDINANCE ARTICLE III, ADDITIONAL REQUIRMENTS, BY ADDING §3-107, WIRELESS COMMUNICATIONS FACILITIES, ARTICLE III, ADDITIONAL REQUIREMENTS, §3-100(B)(7) ARTICLE VI, USES BY SPECIAL EXCEPTION, §6-107 AND ARTICLE XI, BY REVISING AND ADDING DEFINITIONS.

NOW, THEREFORE, the City of Connellsville of Fayette County hereby ordains:

Section 1: The City of Connellsville Zoning Ordinance is hereby amended by changing all references to “Communications Tower” to “Tower-Based Wireless Communication Facilities.”

Section 2: Article III, Additional Requirements, is hereby amended by adding §3-107 to read as follows:

§3-107. Wireless Communications Facilities

The placement, installation, use, or operation of any tower-based wireless communications facility or non-tower based wireless communications facility shall comply with the requirements and standards of this section, and all subsequent amendments hereto.

A. Intent. The Wireless Communications Facilities (WCF) regulations are intended to achieve the following:

- a) To provide a competitive and wide range of communications services;
- b) To encourage the shared use of existing communication towers, buildings and structures;
- c) To ensure compliance with federal and state regulations;
- d) To promote the health, safety and welfare of the City residents and businesses with respect to wireless communications facilities;
- e) To address modern and developing technologies including, but not limited to, distributed

antenna systems, data collection units, cable Wi-Fi and other communications facilities;

- f) To establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside of the public rights-of-way; and
- g) To protect City residents and businesses from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

B. Definitions.

For the purposes of this §3-107, the following words or terms shall have the specific meanings indicated:

- a. Co-Location – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the City. The term includes the placement, replacement, or modification of accessory equipment within a previously approved Communications Facility Building.
- b. Communications Antenna – Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennas, such as panels, microwaves dishes, satellite dishes and omni-directional antennas such as whip antennas. Communications Antenna shall not include Tower-Based WCF defined below. Not included are antennas and supportive structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this Chapter.
- c. Communications Facility Building – The building in which electronic receiving and relay equipment for a tower is housed. Receiving and relay equipment can include, but are not limited to, in-ground and above-ground cabling and any equipment associated with the provision of wireless services.
- d. Data Collection Unit – Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection including self-supporting lattice towers, guyed towers or monopole towers. The term includes structures used to wirelessly read utility meters and for other remote monitoring purposes. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

- e. Monopole – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support Communications Antennas and connective appurtenances. Connective appurtenances can include, but are not limited to, feeder cables, climb ladders, platforms, ice shields, and other accessory infrastructure associated with a WCF.
- f. Non-Tower Based Wireless Communications Facilities – All non-tower based wireless communications facilities including, but not limited to, Data Collection Units, Communications Antenna and related equipment. Non-tower based wireless communications facilities (WCF) shall not include support structures for Communications Antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this Chapter.
- g. Stealth Technology – Camouflaging methods applied to WCF, Communications Antenna and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Communications Antenna, building-mounted Communications Antenna painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles, and light poles.
- h. Substantially Change – (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet for structures located outside of the rights-of-way, or ten (10) feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed WCF may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
- i. Tower-Based Wireless Communications Facilities – Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto. Tower-based wireless communications facilities (WCF) shall be considered to be a different and distinct use than non-tower based wireless communications facilities and not permitted as an accessory use but considered to be a principal use of a lot.

- j. Wireless Support Structure – A freestanding structure, such as a Tower-Based WCF or any other support structure that could support the placement or installation of a Non-Tower Based WCF if approved by the City.

C. General Requirements for All Tower-Based Wireless Communications Facilities

A tower-based wireless communications facility shall be a permitted special exception subject to the following conditions and/or standards:

1. Standard of Care – Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety, and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF 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 endanger the life of any person or any property in the City.
2. Wind – Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry (ANSFEINTIA-222-E Code, as amended).
3. Height – Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of two hundred (200) feet, or forty (40) feet when located within the right of way, which height shall include all subsequent additions or alterations. Height shall be measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater. All Tower-Based WCF Applicants must submit documentation to the Township justifying the total height of the structure. Tower-Based WCF constructed outside the right of way at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a Use by Special Exemption in the Industrial district by the Connellsville Zoning Hearing Board if the following criteria are met:
 - a. The Applicant shall provide documentation to the City which details the commitment to provide capacity on the proposed Tower-Based WCF to more than one provider. The document must describe the additional tower height that is required to provide the capacity to the additional provider(s). The document shall also show that by providing the additional height and capacity, there will not be a need from the involved companies for an additional tower outside the right of way within a radius of one mile of the site. The burden of proof shall be on the Applicant to show that the proposed tower is the minimum height needed to provide the required

service.

- b. The Applicant shall provide documentation to the City that the height limitation of 200 feet will require the construction of two or more towers and that by permitting an increase in the height of the tower, only one tower will be required. The burden of proof shall be on the Applicant to show that the proposed tower is the minimum height needed to provide the required services. The purpose of this use by special exemption is to permit an increase in the height of one tower to reduce the need for additional towers.
4. Public Safety Communications – No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Maintenance – The following maintenance requirements shall apply:
 - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance with this Chapter.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City’s residents.
 - c. All maintenance and activities shall utilize the best available technology for preventing failures and accidents.
6. Radio Frequency Emissions – No Tower-Based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC) including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended. The Applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the Non-Ionizing Electromagnetic Radiation (NIER) emitted from the Tower-Based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or the ANSI.
7. Historic Buildings or Districts – No Tower-Based WCF may be located on or within two hundred (200) feet of a site that is listed on a historic register, a site listed for inclusion on the historic register, or in an officially designated State or Federal Historic District.
8. Identification – All Tower-Based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of

an emergency, subject to approval by the City. The notice shall not exceed two (2) square feet in gross surface area and shall maintain the contact party.

9. Lighting – Tower-Based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Township. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. No flag shall be located on the structure that requires lighting.
10. Appearance – Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Connellsville Planning and Zoning Director to harmonize with the surroundings.
11. Noise – Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Article IV Performance Standards, §4-103, of Ordinance 1492, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
12. Aviation Safety – Tower-Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
13. Retention of Experts – The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The Applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
14. Timing of Approval - Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. All complete applications for Tower-Based WCF shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the Applicant in writing of its decision. If additional information is requested by the City to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred-fifty (150) day review period.
15. Non-Conforming Uses – Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter. Co-location of facilities may be permitted on non-conforming

structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.

16. Removal – In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - a. All unused or abandoned Tower-Based WCF and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
 - c. Any unused portions of Tower-Based WCF, including antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.
17. Application/Permit Fees – The City may assess appropriate and reasonable application fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs.

D. Tower-Based Wireless Communications Facilities Outside the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside of the Right-of-Way (right of way):

1. Permitted Only in Certain Zones – No Tower-Based WCF shall be permitted within five hundred (500) feet of the nearest adjoining property line. Tower-Based WCF shall only be a Use by Special Exemption in the Industrial Zoning District.
2. Evidence of Need – It is required that the Applicant for the placement of a Tower-Based WCF that will exceed forty (40) feet in height shall submit to the City evidence of the need for the Tower-Based WCF in the proposed location and that the Applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the Applicant must demonstrate via written evidence from a qualified, licensed, and professional engineer that, in terms of location and construction, there are no existing towers, Tower-Based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a one (1) mile radius of the chosen location, unless the Applicant

can demonstrate to the satisfaction of the City that a different distance is more reasonable. Co-location is not possible if:

- a. Coverage diagrams and technical reports demonstrate that co-location on an existing Tower-Based WCF is not technically possible in order to serve the desired need;
 - b. Planned equipment would exceed the structural capacity of existing towers within the City, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - c. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost;
 - d. Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; and/or
 - e. Other reasons can be demonstrated to the satisfaction of the City that makes it impractical to place the equipment planned by the Applicant on existing and approved towers.
3. Sole Use on a Lot – A Tower-Based WCF is permitted as the sole use on a lot subject to the minimum lot size and setbacks complying with the requirements of the applicable zoning district.
 4. Combined with Another Use – A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:
 - a. The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the communications facility.
 - b. Minimum Lot Area – The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF, the Communications Facility Building, security fence, and buffer planting.
 - c. Minimum Setbacks – the Tower-Based WCF and accompanying Communications Facility Building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within five hundred (500) feet of the nearest adjoining property line.

5. Notice – Upon receipt of a complete application for a Tower-Based WCF, the Applicant shall mail notice thereof to the owner or owners of every property within five hundred (500) radial feet of the parcel or property of the proposed facility. The Applicant shall provide the City with evidence that the notice was mailed out to applicable property owners.
6. Design and Construction
 - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the City.
 - b. To the extent permissible under applicable law, any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
 - c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Tower-Based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.
 - d. Guide wires are not permitted. The monopole must be self-supporting.
7. Surrounding Environs - A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA/TIA-222-G manual, as amended, shall be submitted to the City to document and verify design specifications of the foundation for the Tower-Based WCF.
8. Fence/Screen
 - a. A security fence of approved design, of not less than eight (8) feet in height and no greater than ten (10) feet in height, shall completely enclose the Tower-Based WCF. The fencing required in this subsection must also have a one (1) foot barbed arm slanted at a forty-five (45) degree angle which runs along the entire top of the fence.
 - b. The Applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the landscape requirements of a Buffer Yard 1, as defined in Ordinance 1492, §3-104 Buffer Yards. When the WCF is located in a developed industrial

area, the Zoning Hearing Board may waive the buffer yard regulations in exchange for another type of screening which is compatible with the surrounding land use.

- c. Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.
- d. No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign not to exceed two (2) square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is permitted. In addition, “No Trespassing” signs may be placed on the security fencing.

9. Accessory Equipment

- a. Ground-mounted equipment associated with, or connected to, a Tower-Based WCF shall be underground, if possible. In the event that an Applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using Stealth Technologies, as described above.
- b. All buildings and structures associated with a Tower-Based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

10. Access Road – An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the Tower-Based WCF and Communications Facility Building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

11. Inspection – The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the City Code of Ordinances or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

E. Tower-Based Wireless Communications Facilities Inside the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way (right of way):

1. Permitted where above ground utility infrastructure exists. No Tower-Based Wireless Communications Facilities shall be located in areas where utility infrastructure is installed underground.
2. In areas not served by above ground utility infrastructure, Tower-Based WCF may be constructed at intersections of Arterial and Arterial Street Classifications and Arterial and Collector Street Classifications to provide coverage and capacity.
3. Evidence of Need – It is required that the Applicant for the placement of a Tower-Based WCF shall submit to the City of Connellsville evidence of the need for the Tower-Based WCF in the proposed location and that the Applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the Applicant must demonstrate via written evidence from a qualified, licensed, professional engineer that, in terms of location and construction, there are no existing towers, Tower-Based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a one-half (1/2) mile radius of the chosen location, unless the Applicant can demonstrate to the satisfaction of the City that a different distance is more reasonable. Co-location is not possible if:
 - a. Capacity diagrams and technical reports demonstrate that co-location on an existing Tower-Based WCF is not technically possible in order to serve the desired need;
 - b. Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - c. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost;
 - d. Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; and/or
 - e. Other reasons can be demonstrated to the satisfaction of the City that makes it impractical to place the equipment planned by the Applicant on existing and approved towers.
4. Notice – Upon receipt of an application for a Tower-Based WCF, the Applicant shall mail notice thereof to the owner or owners of every property within five

hundred (500) feet of the parcel or property of the proposed facility. The Applicant shall provide the City with evidence that the notice was mailed out to applicable property owners.

5. Co-location – An application for a new Tower-Based WCF in the right of way shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-half (1/2) mile radius from the point of the proposed tower, unless the Applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized. Co-location shall not be permitted on ornamental street light fixtures.
6. Time, Place, and Manner – The City shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Tower-Based WCF in the right of way based on public safety, traffic management, physical burden on the right of way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
7. Equipment Location – Tower-Based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right of way as determined by the City. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Tower-Based WCF shall be reviewed and approved by the City.

8. Design Regulations
 - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize the aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the City.
 - b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than fifty (50) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
 - c. Guy wires are not permitted. The monopole must be self-supporting.
9. Additional Antennas – As a condition of approval for all Tower-Based WCF in the right of way, the WCF Applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennas on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennas without obtaining the prior written approval of the City.
10. Relocation or Removal of Facilities – Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Tower-Based WCF in the right of way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the City, consistent with its police powers and the applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the City.
11. Compensation for Right of Way Use – In addition to the application/permit fees as described in this Chapter, every Tower-Based WCF in the right of way is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right of way. Such compensation for right of way use shall

directly related to the City's actual right of way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right of way management activities by the City. The owner of each Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The Annual right of way management fee for Tower-Based WCF shall be determined by the City and authorized by resolution of the Council of the City of Connellsville and shall be based on the City's actual right of way management costs as applied to such Tower-Based WCF.

12. Restoration Deposit – 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 Director of Public Works, or his designee. The return of the deposit shall be contingent upon the proper restoration of the right of way and compliance with the terms and conditions of this Chapter. Upon installation of the Tower-Based WCF, the Applicant shall notify the City that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the Applicant within thirty (30) days. The restoration deposit may be forfeited in whole or in part to the City if any work is found to be incomplete or not in compliance with all applicable standards.

F. General Requirements for All Non-Tower Based Wireless Communications Facilities

(A) The following regulations shall apply to all Non-Tower Based Wireless Communications Facilities that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached, as defined above:

1. Permitted in All Zones Subject to Regulations – Non-Tower Based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
2. Standard of Care – Any Non-Tower Based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code and the Uniform Construction Code. Any Non-Tower Based WCF 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 endanger the life of any person or any property in the City.
3. Wind – Any Non-Tower Based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI

EIA/TIA-222-G, as amended).

4. Public Safety Communications – No Non-Tower Based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
5. Aviation Safety – Non-Tower Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
6. Radio Frequency Emissions – No Non-Tower Based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
7. Removal – In the event that the use of a Non-Tower Based WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - a. All abandoned or unused WCF and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF and/or accessory facilities are not removed within three (3) months of the cessation of operations, or within any longer period of time approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
8. Timing of Approval – Within thirty (30) calendar days of the date that an application for a Non-Tower Based WCF is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the Applicant to provide the information shall not be counted toward the City’s sixty (60) day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
9. Application Fees - The City may assess appropriate and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a Non-Tower Based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or

state statute for relevant co-located facilities and other Non-Tower Based WCF.

(B) The following regulations shall apply to all Non-Tower Based Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations – Non-Tower Based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
2. Standard of Care – Any Non-Tower Based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code and the Uniform Construction Code. Any Non-Tower Based WCF 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 endanger the life of any person or any property in the City.
3. Wind – Any Non-Tower Based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
4. Public Safety Communications – No Non-Tower Based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
5. Historic Buildings – Non-Tower WCF may not be located on a building or structure that is on a historic register or a building or structure listed for inclusion on a historic register.
6. Aviation Safety – Non-Tower Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
7. Maintenance – The following maintenance requirements shall apply:
 - a. The Non-Tower Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available

technologies for preventing failures and accidents.

8. Radio Frequency Emissions – No Non-Tower Based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
9. Removal – In the event that the use of a Non-Tower Based WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - a. All abandoned or unused WCF and necessary facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations, or within any longer period of time approved by the City, the WCF and/or associated facilities and equipment may be removed by the city and the cost of removal assessed against the owner of the WCF.
10. Timing of Approval – Within thirty (30) calendar days of the date that an application for a Non-Tower Based WCF is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City’s sixty (60) day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
11. Retention of Experts – The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Non-Tower Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The Applicant and/or owner of the WCF shall reimburse the City for all costs of the City’s consultant(s) in providing expert evaluation and consultation in connection with these activities.
12. Restoration Deposit – 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 Director of Public Works, or his designee. The

return of the deposit shall be contingent upon, where applicable, the proper restoration of the right of way and compliance with the terms and conditions of this Chapter. Upon installation of the Tower-Based WCF, the Applicant shall notify the City that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the Applicant within thirty (30) days. The restoration deposit may be forfeited in whole or in part to the City if any work is found to be incomplete or not in compliance with all applicable standards.

13. Application/Permit Fees - The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower Based WCF, as well as related inspection, monitoring and related costs.

G. Non-Tower Based Wireless Communications Facilities Outside the Rights-of-Way

The following additional regulations shall apply to Non-Tower Based Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations – Non-Tower Based WCF shall be co-located on existing structures such as existing building or Tower-Based WCF subject to the following conditions:
 - a. Such WCF does not exceed a maximum height of ten (10) feet above the permitted height of any structure in the applicable zoning district.
 - b. If the WCF Applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations
 - a. Non-Tower Based WCF shall employ Stealth Technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
 - b. Non-Tower Based WCF, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher.

- c. All Non-Tower Based WCF Applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.
 - d. Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
 - e. Non-Commercial Usage Exemption – The design regulations enumerated in this §3-107(G)(2) Shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
3. Removal, Replacement, and Modification
 - a. The removal and replacement of Non-Tower Based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
 - b. Any material modification to a WCF shall require prior amendment to the original permit or authorization.
 4. Inspection – The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the City Code of Ordinance or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

H. Non-Tower Based Wireless Communications Facilities in the Rights-of-Way

The following additional regulations shall apply to all Non-Tower Based Wireless Communications Facilities located in the Rights-of-Way:

1. Location – Non-Tower Based WCF in the right of way shall be co-located on existing poles, such as utility poles. Co-location shall not be permitted on ornamental street light fixtures.
2. Design Requirements
 - a. WCF installations located above the surface grade in the public right of way including, but not limited to, those on street lights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon

which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

- b. Antennas and all support equipment shall be treated to match the supporting structure. WCF and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for Right of Way Use - In addition to the permit fees as described in this Chapter, every Non-Tower Based WCF in the right of way is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right of way. Such compensation for right of way use shall directly related to the City's actual right of way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right of way management activities by the City. The owner of each Non-Tower Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The annual right of way management fee for Non-Tower Based WCF shall be determined by the City and authorized by resolution of the Council of the City of Connellsville and shall be based on the city's actual right of way management costs as applied to such Non-Tower Based WCF.
4. Time, Place, and Manner – The City shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Non-Tower Based WCF in the right of way based on public safety, traffic management, physical burden on the right of way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
5. Equipment Location – Non-Tower Based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right of way as determined by the City. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.
 - b. Ground-mounted equipment shall be located underground. In the event an Applicant can demonstrate, to the satisfaction of the City Engineer, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Tower-Based WCF shall be reviewed and approved by the City.
6. Relocation or Removal of Facilities – Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary, or such other period in the case of an emergency, an owner of a WCF in the right of way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance, or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the City.
7. Visual and/or Land Use Impact – The City retains the right to deny an application for the construction or placement of a Non-Tower Based WCF based upon visual and/or land use impact.

Section 3: Article III, Additional Requirements, §3-100(B)(7) is hereby amended by deleting the current subsection in its entirety and amending it to read as follows:

7. Non-Tower Based Wireless Communication Facilities.
 Non-tower based wireless communication facilities mounted on existing or newly constructed nonresidential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all zoning districts subject to the requirements of §3-107 of this Chapter.

Section 4: Article VI, Uses by Special Exception, §6-107 is hereby amended by deleting the current subsection in its entirety and amending it to read as follows:

§6-107. Tower-Based Wireless Communication Facilities.

A tower-based wireless communication facility shall be a terminated special exception subject to the requirement of §3-107 of this Chapter.

Section 5: Article XI, Definitions, is hereby amended by deleting the definition of “Applicant,” the definition of “Communications Antenna,” and the definition of “Communications Tower” and adding the following definition of “Applicant,” the following definition of “Non-Tower Based Wireless Communications Facilities,” and the following definition of “Tower-Based Wireless Communications Facilities.”

APPLICANT – A landowner and/or developer who has filed an application for a subdivision or land development or a zoning certificate, permit, or other approval, including his agents, heirs, successors, and assigns.

NON-TOWER BASED WIRELESS COMMUNICATIONS FACILITIES – All non-tower based wireless communications facilities including, but not limited to, Data Collection Units, Communications Antenna and related equipment. Non-Tower Based WCF shall not include support structures for Communications Antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this Chapter.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES – Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto. Tower-based wireless communications facilities shall be considered to be a different and distinct use than non-tower based wireless communications facilities and not permitted as an accessory use but considered to be a principal use of a lot.

Section 6: Police Powers – The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen, or impair the lawful police powers vested in the City under applicable federal, state, and local laws and regulations.

Section 7: Severability – If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this ordinance invalid.

Section 8: Effective Date. This ordinance shall become effective ten (10) days after enactment

ORDAINED AND ENACTED by the City Council of the City of Connellsville, Fayette County, Pennsylvania this 20th day of September, 2016.

Gregory Lincoln, Mayor

Attest:

Vernon Ohler, City Clerk