

ORDINANCE NO. 286

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA: TO AMEND THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007, AS AMENDED; AND TO REVISE AND INCORPORATE REGULATIONS GOVERNING COMMUNICATIONS TOWERS AND ANTENNAE.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF CAERNARVON TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. Section 300 of Article III of the Caernarvon Township Zoning Ordinance of 2007 is amended to incorporate or revise the following definitions:

Antennae: Any exterior transmitting or receiving device mounted on a telecommunications Tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Communications Antenna: 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 Antennae and directional or panel Antennae, 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 Antennae or amateur radio equipment including without limitation ham or citizen band radio Antennae.

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennae. The area shall not exceed 250 square feet.

Context Sensitive: A design concept applicable to transportation networks, development patterns, streets, alleys, buildings, architecture, pedestrian amenities, open spaces, landscaping, streetscaping, accessory structures, utility poles, Wireless Communication Facilities, and the like, in which the design of the aforementioned item(s) is complimentary to and integrated with the aesthetics of its adjacent environs, which may range in scope, at the discretion of the Township, from the immediate area surrounding the item in question to the Township as a whole. Also may be referred to as 'Context Sensitivity'.

Distributed Antenna Systems (DAS): A network of spatially separated Antenna or node sites connected to a common source that provides wireless service within a geographical area or structure.

Height of a Communications Tower: The vertical distance measured from the ground level existing at the time of enactment of this Ordinance to the highest point on a Communications Tower (or "Tower"), including the base pad and Antennae mounted on the Tower.

Preexisting Towers and Preexisting Antennae: Any Communications Tower or antenna for which a building permit or special use permit has been properly issued prior to effective date of this Ordinance, including permitted Communications Towers or Antennae that have not yet been constructed so long as such approval is current and not expired.

Stealth technology (Stealth): camouflaging methods applied to wireless communications Towers, Antennae and other facilities which render them 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 method include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.

Section 2. Article VI, Section 619 of the Caernarvon Township Zoning Ordinance of 2007 is amended to add the following section:

3. Notwithstanding any provision in this Section to the contrary, the exemption created for a Public Utility Corporation shall not apply to Communication Towers. In other words, a Public Utility Corporation shall comply with all regulations applicable to Communication Towers set forth elsewhere in this Article.

Section 3. Article VI, Section 637 of the Caernarvon Township Zoning Ordinance of 2007 is repealed and replaced as follows:

ARTICLE VI GENERAL REGULATIONS

Section 637. Communications Antennae, Communications Equipment Buildings, and Communications Towers Regulations

1. Purpose. The purpose of this Section is to establish general guidelines for the setting of Communications Towers and Antennae. The goals are to: (1) protect residential areas and land uses from potential adverse impacts of Communications Towers and Antennae; (2) minimize the total number of Communications Towers throughout the community; (3) strongly encourage the joint use of new and existing Communications Tower sites as a primary option rather than the construction of additional single-use Communications Towers; (4) encourage users of Communications Towers and Antennae to locate them, to the extent possible, in areas where the adverse impact to the community is minimal; (5)

encourage users of Communications Towers and Antennae to configure them in a way that minimizes the adverse visual impact of Communications Towers and Antennae through careful design, setting, landscape screening and innovative camouflaging techniques; (6) enhance the ability of the providers of communications services to provide such services to the community quickly, effectively and efficiently; (7) consider the public safety of Communications Towers; and (8) minimize potential damage to adjacent properties from Tower failure through engineering and careful siting of Communications Tower structures. In furtherance of these goals, the Township shall give due consideration to existing land uses and environmentally sensitive areas in approving sites for the location of Communications Towers and Antennae.

2. All new Towers and Antennae shall be subject to these regulations, except as provided herein. All Towers regardless of height shall be regulated by subsection 3 below. Towers less than or equal to forty (40) feet in height shall be regulated by subsection 4 below, and Towers greater than forty (40) feet in height shall be regulated by subsection 5 below. All Antennae shall be regulated by subsection 6 below. Antennae installed on structures other than Towers shall be regulated by subsection 7 below.

Preexisting Towers and preexisting Antennae shall not be required to be modified to meet the requirements of this Ordinance, other than as provided herein.

3. **Regulations Applicable to All Towers**

The following provisions apply to all Communication Towers, irrespective of height, located in any Zoning District.

- a. For purposes of determining whether the installation of a Tower complies with district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the Towers may be located on leased parcels within such lot.
- b. Inventory of Existing Sites. Each applicant for a Tower shall provide to the Township an inventory of its existing Towers, Antennae, Distributed Antenna Systems or sites approved for Towers or Antennae, that are either within the jurisdiction of the Township or within five miles of the border thereof, including specific information about the location, height, and design of each Tower. The Township may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate Antennae within the jurisdiction of the Township; provided, however, that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- c. The maximum height of a Communication Tower shall be one hundred fifty feet (150') for two or more systems or users and one hundred feet (100') for a single system or user.

- d. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness, or colored to blend into the natural setting and surroundings. Towers shall be context sensitive, employ stealth technology and be designed to minimize their aesthetic impact, utilizing means subject to approval of the Township.
- e. At a Tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- f. Towers shall not be artificially lighted, unless required by the FAA, the Township or other applicable authority and, with respect to a Tower forty (40) feet or less in height, unless the Antennae are attached to an existing, operating light pole. If lighting is required, the lighting alternatives and design chosen shall be approved by the Township and conform to FAA regulations.
- g. All Towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state and federal government with the authority to regulate Towers. If such standards and regulations are changed, then the owners of the Towers governed by this Ordinance shall bring such Towers into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring Towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the Tower or antenna at the owner's expense.
- h. To ensure the structural integrity of Towers, the owner of a Tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for Towers that are published by the Electrical Industry Association, as amended from time to time. If, upon inspection, the Township concludes that a Tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the Tower, the owner shall have thirty (30) days to bring such Tower into compliance with such standards. Failure to bring such Tower into compliance within said thirty (30) days shall constitute grounds for the removal of the Tower or antenna at the owner's expense.
- i. For purposes of measurement, Tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdiction boundaries.
- j. Owners and/or operators of Tower shall certify that all franchises required by law for the construction and/or operation of a communication system in the Township

have been obtained and shall file a copy of all required franchises with the Township.

- k. No signs shall be allowed on a Tower, except where required by law or approved by the Township.
- l. All Communication Towers shall be monopole construction, but the upper portions of Towers may have designs intended to camouflage the Tower, when approved by the Township.
- m. All Towers must meet American National Standards Institute, Electrical Industry Association, Communications Industry Association Tower specifications requirements. Further, the Tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Township. An independent structural engineer registered in Pennsylvania shall attest to the proposed Tower's ability to meet these requirements, certify proper construction of the foundation and erection of the Tower, and certify the Tower can structurally accommodate the proposed uses of the Tower.
- n. Any applicant proposing to construct a Communications Tower or Communications Equipment Building shall submit a copy of the permit application and all other Township required submissions to the Reading Regional Airport and the Morgantown Airport. The applicant shall show proof to the Township of notifying the airports either with a certified return receipt or a letter from the airport.
- o. The owner of such Towers shall provide a minimum of three (3) business days' notice to the Township and the property owner of any construction related to the Tower.
- p. Any Tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Tower shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment. Failure to remove an abandoned Tower within said ninety (90) days shall be grounds to remove the Tower at owner's expense. If there are two (2) or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower. When required by the Township, the applicant shall post a financial security in a form acceptable to the Township to cover the cost of removing the Tower.
- q. Any applicant proposing to construct a Communications Equipment Building that cannot be located underground shall screen the structure using vegetative plantings to be approved by the Zoning Officer in accordance with the landscaping standards set forth in Section 609 of the Zoning Ordinance.

4. Regulations Applicable to Towers Forty (40) Feet or Less in Height

The following regulations apply to Towers that are forty (40) feet or less in height.

- a. Towers that are forty (40) feet or less in height shall be permitted by special exception in the Side Yard or Rear Yard only (but not within the Front Yard), in all Zoning Districts where Towers are otherwise permitted by right or special exception, provided that they are setback from lot lines a distance equivalent to 1.1 times their height or the setback for principal structures applicable to the property's zoning district, whichever is greater, and subject to the standards set forth in Subsection (b) below.
- b. Towers that are forty (40) feet or less in height are only permitted by special exception within a public right of way, subject to the Applicant establishing the following:
 - (1) Applicant shall demonstrate compliance with Subsection 3 above.
 - (2) With respect to Towers and Antennae in R-1, R-2, R-3, and R-4 zoning districts, the Towers and Antennae shall be situated so that they are not located directly in front of any residential dwelling unit or occupied building, but are instead located so that they align with gaps between residential dwelling units and buildings.
 - (3) To the extent feasible and practical, Towers and Antennae shall be located on existing utility poles or structures.
 - (4) Towers, Antennae and all supporting facilities shall be designed in a manner to be aesthetically consistent with the surrounding neighborhood, and stealth technology shall be utilized to minimize its visual impact.
 - (5) Towers shall not interfere with stormwater management facilities or other utilities.
 - (6) Towers and Antennae shall not interfere with public safety communications or the reception of cable, internet, broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 - (7) Ground facilities necessary for Towers and Antennae shall be located underground. To the extent that the Applicant establishes that such facilities cannot be located underground, all supporting ground facilities for Towers and Antennae shall be fully screened through landscaping, in compliance with Section 609. Applicant shall be responsible for maintaining such landscaping in perpetuity.

- (8) In no case shall Towers or supporting ground equipment, facilities or landscaping be located within twenty-four (24) inches of the edge of the cartway or the edge of the curbing or shoulder, whichever is greater.
 - (9) Applicant shall establish compliance with Subsection 5(c), (d), (e), (f) and (g) below.
 - (10) The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all facilities within 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 Township and the requirements of the Public Utility Code.
- c. Applicants for a Tower and/or Antenna shall submit the following:
- (1) A scaled site plan clearly indicating the location, type and height of the proposed Tower, onsite land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed Tower and any other structures, topography, and other information necessary to assure compliance with this Ordinance.
 - (2) The setback distance between the proposed Tower and the nearest residential unit and lot lines.
 - (3) A landscape plan showing specific landscape materials.
 - (4) Method of fencing, finished color and the method of camouflage and illumination.
 - (5) A description of compliance with all applicable subsections and all applicable federal, state and local laws.

5. Regulations Applicable to Towers Greater than Forty (40) Feet in Height

The following regulations apply to Towers that are greater than forty (40) feet in height, which shall only be permitted pursuant to the following criteria to the extent permitted in an underlying Zoning District:

- a. The maximum height of a Communication Tower shall be one hundred fifty feet (150') for two or more systems or uses and one hundred feet (100') for a single system or user.
- b. There shall be no overhead electrical transmission lines within a two hundred foot (200') radius of the Tower. The following Tower and Antenna separation

requirements shall apply from off-site uses/designated areas. Tower separation shall be measured from the base of the Tower to the lot line of the off-site uses and/or designated areas as specified below:

<u>OFF-SITE USES/DESIGNATED AREA</u>	<u>SEPARATION DISTANCE</u>
Residential dwelling units	250 feet
Vacant Residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	250 feet
Vacant unplatted residentially zoned lands	100 feet
Inhabitable non-residential structures	250 feet
Non-residentially zoned lands	None – only setbacks apply

Each new Tower or antenna shall have a fallout area equivalent to 1.1 times the height of said Tower or antenna, which area shall be measured from the location of said Tower or antenna in a three hundred sixty degree (360°) radius equal to the height of the same, which area shall be under the control of the applicant constructing said Tower or Antenna.

- c. The Applicant shall establish that all health, safety, and welfare issues have been properly addressed.
- d. The owners of the Communication Tower shall secure the Tower base, including any support structures, with a fence which shall be a minimum of ten feet (10') in height. In addition to boundary security, all Communication Towers shall have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the Tower. Landscaping shall be provided around all fences to screen the Tower compound year-round from view from property zoned to permit residential dwellings. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as Towers sited in large, wooded lots, natural growth around the property perimeter may be sufficient screen.
- e. All Communication Tower owners shall provide the Township with a statement that the emission of radio waves emanating from the Tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township and is in compliance with all Federal Communications Commission regulations.

- f. If measurable interference with radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township does result from the installation and use of the Communication Tower, the owner of that Tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.
- g. The owner of any Communication Tower shall be required to submit to the Township proof of an annual inspection and Tower maintenance program. Any structural faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the Tower.
- h. No Communication Tower shall be allowed within one mile of another Tower. The separation distances shall be measured by drawing or following a straight line between the base of an existing Tower and the proposed base, pursuant to a site plan, of a proposed Tower.
- i. No new Tower greater than forty (40) feet in height shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Township that the proposed antenna cannot be accommodated on an existing Tower or structure, through alternate technology that does not require the use of Towers, or through a new or existing Tower that is compliant with Subsection 5(d) above. An applicant shall submit information requested by the Township related to the availability of suitable existing Towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing Tower or structure, alternative technology or Tower can accommodate the applicant's proposed antenna may consist of any of the following:
 - No existing Towers or structures are located within the geographic area, which meet applicant's engineering requirements.
 - Existing Towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - Existing Towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - The applicant's proposed antenna would cause electromagnetic interference with the Antennae on the existing Towers or structures, or the Antennae on the existing Towers or structures would cause interference with the applicant's approved antenna.
 - 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.

- The applicant demonstrates that there are other limiting factors that render existing Towers and structures unsuitable.
- j. The applicant shall demonstrate that an alternative technology that does not require the use of Towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.
- k. The placement of additional support buildings or supporting equipment in conjunction with an existing Tower or locating Antennae on existing structures or Towers will not require a special exception.
- l. An antenna which is attached to an existing Tower may be approved by the Zoning Officer as a permitted use.
- m. To minimize adverse visual impacts associated with the proliferation and clustering of Towers, collocation of Antennae by more than one carrier on existing Towers shall take precedence over the construction of new Towers; provided such collocation is accomplished in a manner consistent with the following:
 - A Tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same Tower type as the existing Tower, unless reconstructed as a monopole,
 - An existing Tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the Tower's existing height, to accommodate the collocation of additional Antennae; such height change may only occur one time per Communication Tower, and such additional height shall not require an additional distance separation. The Tower's premodification height shall be used to calculate such distance separations.
 - A Tower which is being rebuilt to accommodate the collocation of additional Antennae may be moved onsite within fifty (50) feet of an existing location. After the Tower is rebuilt to accommodate collocation, only one (1) Tower may remain on the site. A relocated, onsite Tower shall continue to be measured from the original Tower location for purposes of calculating separation distances between Towers. The onsite relocation of a Tower which comes within the separation distances as established in Subsection 5(b) above shall only be permitted when approved by the Township.

- n. In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the Tower is to be located shall apply to the Tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a Communication Tower.
- o. Towers that are constructed, and Antennae that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

Preexisting Towers shall be allowed to continue their usage as they presently exist. Routine maintenance (excluding replacement with a new Tower of like construction and height) shall be permitted on such preexisting Towers. New construction other than routine maintenance on a preexisting Tower shall comply with the requirements of this Ordinance.

Nonconforming Towers or Antennae that are damaged or destroyed may be rebuilt without having to first obtain special exception approval and without having to meet the separation requirements specified in this Ordinance. The type, height and location of the Tower onsite shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (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.

- p. The following requirements shall apply to Antennae and related equipment:
 - (1) Antennae Located on Towers. The related unmanned equipment structure shall not contain more than two hundred fifty (250) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.
- q. Antennae or Towers located on property owned, leased, or otherwise controlled by the Township, provided a license or lease authorizing such antenna or Tower has been approved by the Township, shall not require special exception approval.
- r. Applicants for a Tower and/or Antenna shall submit the following:
 - (1) A scaled site plan clearly indicating the location, type and height of the proposed Tower, onsite land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distance set forth in this Ordinance, adjacent roadways, proposed means of access, setbacks from property lines, elevation

drawings of the proposed Tower and any other structures, topography, parking, and other information necessary to assure compliance with this Ordinance.

- (2) Legal description of the parent tract and leased parcel (if applicable).
- (3) The setback distance between the proposed Tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (4) The separation distance from other Towers described in the inventory of existing sites submitted shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing Tower(s) and owner/operator of the existing Tower(s), if known.
- (5) A landscape plan showing specific landscape materials located outside of fencing.
- (6) Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with all applicable subsections and all applicable federal, state and local laws.
- (8) A notarized statement by the applicant as to whether construction of the Tower will accommodate collocation of additional Antennae for future users.
- (9) Identification of the entities providing the backhaul network for the Tower(s) described in the application and other Tower sites owned or operated by the applicant in the Township.
- (10) 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.
- (11) A description of the feasible location(s) of future Towers or Antennae within the Township based upon existing physical, engineering, technological and geographical limitations, in the event the proposed Tower is erected.

6. Regulations Applicable to All Communications Antennae

- a. The following provisions shall apply to all Communications Antennae:

- (1) For purposes of determining whether the installation of an Antenna complies with district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the Antenna may be located on leased parcels within such lot.
- (2) Inventory of Existing Sites. Each applicant for an Antenna shall provide to the Township an inventory of its existing Towers, Antennae, Distributed Antenna Systems or sites approved for Towers or Antennae, that are either within the jurisdiction of the Township or within five miles of the border thereof, including specific information about the location, height, and design of each Tower. The Township may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate Antennae within the jurisdiction of the Township; provided, however, that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (3) All Antennae must meet or exceed current standards and regulations of the FAA, the FCC, American National Standards Institute (ANSI), the Institute for Electrical and Electronics Engineers (IEEE), and any other agency of the state and federal government with the authority to regulate Antennae. If such standards and regulations are changed, then the owners of the Antennae governed by this Ordinance shall bring such Antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring Antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the antenna at the owner's expense.
- (4) To ensure the structural integrity of Antennae, the owner of an antenna shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for Antennae that are published by the Electrical Industry Association, as amended from time to time. If, upon inspection, the Township concludes that an antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the antenna, the owner shall have thirty (30) days to bring such antenna into compliance with such standards. Failure to bring such antenna into compliance within said thirty (30) days shall constitute grounds for the removal of the antenna at the owner's expense.

- (5) For purposes of measurement, setback and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdiction boundaries.
- (6) Owners and/or operators of Antennae shall certify that all franchises required by law for the construction and/or operation of a communication system in the Township have been obtained and shall file a copy of all required franchises with the Township.
- (7) No signs shall be allowed on an Antenna, except where required by law or approved by the Township.
- (8) To the extent feasible and practical, Antennae shall be located on existing utility poles or structures.
- (9) Antennae and all supporting facilities shall be designed in a manner to be aesthetically consistent with the surrounding neighborhood, and stealth technology shall be utilized to minimize its visual impact.
- (10) Antennae shall not interfere with public safety communications or the reception of cable, internet, broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (11) Ground facilities necessary for Antennae shall be located underground. To the extent that the Applicant establishes that such facilities cannot be located underground, all supporting ground facilities for Antennae shall be fully screened through landscaping, in compliance with Section 609. Applicant shall be responsible for maintaining such landscaping in perpetuity.
- (12) The owner of such Antennae shall provide a minimum of three (3) business days' notice to the Township and the property owner of any construction related to the Antennae.
- (13) Any Antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment. Failure to remove an abandoned antenna within said ninety (90) days shall be grounds to remove the antenna at owner's expense. If there are two (2) or more users of a single antenna, then this provision shall not become effective until all users cease using the Tower. When required by the Township, the applicant shall post a financial security in a form acceptable to the Township to cover the cost of removing the Antenna.

- (14) Antennae located on property owned, leased, or otherwise controlled by the Township, provided a license or lease authorizing such antenna has been approved by the Township, shall not require special exception approval.
- (15) Communications Antennae shall not cause radio frequency interference with other communications facilities located in Caernarvon Township.
- (16) The related unmanned equipment structure shall not contain more than two hundred fifty (250) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

7. Regulations Applicable to Antennae Installed on Structures Other than Towers

- a. The following shall apply to omnidirectional, whip, directional, and panel Antennae, respectively:
 - (1) Omnidirectional or whip Communications Antennae shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - (2) Directional or panel Communications Antennae shall not exceed five (5) feet in height and three (3) feet in width.
- b. Any applicant proposing to mount a Communications Antenna on a Building or other structure, which is not regulated under subsection 4 or 5 above, shall submit:
 - (1) 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's location;
 - (2) Evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antenna is proposed to be mounted so that installation and maintenance of the antenna and Communications Equipment Building can be accomplished;
- c. If an antenna is installed on a structure other than a Tower, the antenna and supporting electrical and mechanical equipment must be of a 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.
- d. Any Antenna which is not attached to a Tower may be approved by the Zoning Officer as an accessory use to any commercial, industrial, professional, or institutional structure, provided that the Antenna does not extend more than thirty

(30) feet above the highest point of the Structure; the Antenna complies with all applicable FCC and FAA regulations; and the Antenna complies with all applicable building codes.

e. Building-mounted Communications Antennae shall not be located on any single-family dwelling, two family dwelling, or multi-family dwelling.

f. The following requirements shall apply to Antennae and related equipment:

(1) Antennae Mounted on Structures or Rooftops. In addition to the requirements of Subsection 6 above, the equipment or structure used in association with Antennae shall comply with the following:

(i) The cabinet or structure shall not contain more than 250 square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 250 square feet of gross floor area or ten (10) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(ii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

(iii) Equipment Storage buildings or cabinets shall comply with applicable building codes.

(2) Antennae Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with Antennae shall be located in accordance with the following:

(i) The equipment cabinet or structure shall be no greater than ten (10) feet in height or two hundred fifty (250) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of at least eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties, which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate of at least eight (8) feet and a planted height of at least thirty-six (36) inches.

Section 4. All other provisions of the Caernarvon Code of Ordinances remain in full force and effect.

Section 5. Repealer. Any ordinances or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

Section 6. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The municipal governing bodies hereby declare that they would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

Section 7. Renumbering. The location and numerical designation of these above-referenced Sections shall be delegated to the discretion of the General Code Publishers which may renumber or reorder these revised sections as is necessary.

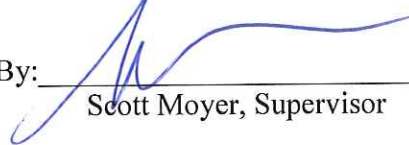
Section 8. This Ordinance shall become effective five (5) days from the date of enactment, and shall be codified into the Caernarvon Township Code of Ordinances.

DULY ORDAINED and ENACTED as an Ordinance this 9th day of MAY, 2017.

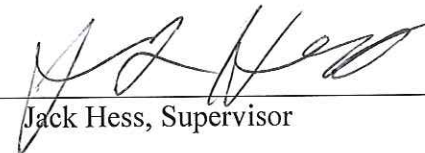
**BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

By: 
Allen Styer, III, Chairman

By: 
Paul Whiteman, Jr., Vice Chairman

By: 
Scott Moyer, Supervisor

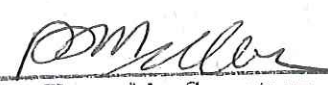
By: 
Sandy Styer, Supervisor

By: 
Jack Hess, Supervisor

ATTEST:

By: 
Township Secretary

This is true and correct copy of Ordinance # 286 that was adopted by the Caernarvon Township Board of Supervisors on 9 MAY 2017


Township Secretary