

**TOWNSHIP OF LOWER FREDERICK
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2021-01

**AN ORDINANCE OF THE TOWNSHIP OF LOWER FREDERICK,
MONTGOMERY COUNTY, PENNSYLVANIA; PROVIDING FOR THE
AMENDMENT OF THE EXISTING SECTION 170-29 AND THE ADDING
OF A NEW SECTION, 170-29.1, TO THE TOWNSHIP CODE,
CONCERNING THE PLACEMENT AND REGULATION OF WIRELESS
TELECOMMUNICATION FACILITIES.**

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of the Township of Lower Frederick, Montgomery County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

ARTICLE I. Satellite dishes

Section 170-29, Satellite dishes, antennas and cellular communications antennas and towers, of Chapter 170, Zoning, of the Lower Frederick Township Code is hereby amended to read as follows:

§170-29. Satellite dishes and antennas.

The following provisions apply to all satellite dishes and antennas:

A. Purposes.

- (1) To accommodate the need for satellite dishes and antennas while regulating their location and number in the Township.
- (2) To minimize adverse visual effects from roads, public corridors, residential areas, villages, and historic, cultural and scenic resources of the Township of satellite dishes and antennas through proper design, siting, and vegetative screening.
- (3) To avoid potential damage to persons and adjacent properties from the failure of satellite dishes and antennas, and their respective support structures, and falling ice, through engineering and proper siting of satellite dishes and antennas.
- (4) To limit potential exposure to or interference from nonionizing electromagnetic radiation emitted from satellite dishes or antennas.

B. Permitted uses.

- (1) Private, noncommercial satellite dishes, radio and television antennas/dishes, or other antennas are permitted in any zoning district as an accessory use to the primary use on the lot in accordance with the provisions of this Section. Private noncommercial uses include dishes and antennas for home use, ham radio, citizen band (CB) radio, and two-way or one-way radio for public safety. Fixed point microwaves used by telephone or other companies, two-way radio from a base to land-mobile antennas (such as radio dispatched taxis), commercial AM and FM radio antennas, commercial UHF and VHF television antennas, and cellular/wireless communications facilities and antennas are specifically excluded. Except as permitted in this Section, no dish or antenna may be used for commercial purposes if it is located in a residential district.
 - (a) A dish or antenna up to and including three (3) feet in diameter, length, and/or width and equal to or less than three (3) feet in height, as measured from the surface it and its support structure is attached to, is permitted by right, and no site plan shall be required.
 - (b) A dish or antenna more than three (3) feet in diameter, length, and/or width or more than three (3) feet in height, as measured from the surface it and its support structure is attached to, is permitted by conditional use, and a site plan shall be required.
- (2) A satellite dish or antenna employed for commercial purposes is permitted only in the VC Village Commercial, CC Community Commercial, LI Limited Industrial, BD Business Development, and OI Office Institution Districts in accordance with the provisions of this Section. Commercial dishes and antennas include, but are not limited to, the following: fixed point microwaves used by telephone or other companies; two-way radio from a base to land-mobile antennas (such as radio dispatched taxis); commercial AM and FM radio antennas; commercial UHF and VHF television antennas; and antennas and dishes used for restaurants, offices, industries, or other business. Cellular/wireless communications facilities and antennas are specifically excluded.
 - (a) A dish or antenna up to and including ten (10) feet in height, as measured from the average ground surface around the antenna and its support structure, is permitted by right, and no site plan shall be required.
 - (b) A dish or antenna more than ten (10) feet in height, as measured from the average ground surface around the antenna and its support structure, is permitted by conditional use, and a site plan shall be required.
 - (c) A dish or antenna more than forty (40) feet in height, as measured from the average ground surface around the antenna and its support structure, is permitted, according to the following standards:

- [1] No dish or antenna more than forty (40) feet in height, as measured from the average ground surface around the antenna and its support structure, shall be permitted in the VC Village Commercial District.
- [2] A conditional use shall be required.
- [3] A site plan shall be required.

C. Standards for private, noncommercial satellite dishes and antennas.

- (1) No dish, antenna, or related support structure shall be located in the front yard of any lot. If ground-mounted, the dish or antenna shall be located in the side or rear yard of the lot. If mounted on a roof or side of a building, the dish or antenna shall be located on the rear portion of the building. In general, the dish or antenna shall be installed in the location that will best shield the dish or antenna from view from surrounding streets and properties.
- (2) No dish or antenna shall be permitted within that portion of a yard required to be a landscaped buffer area or yard.
- (3) When ground-mounted, the dish or antenna shall be screened from public streets and adjoining residential districts or uses by the installation of a fence, or by planting evergreen trees or shrubs which are the height of the dish or antenna when planted, and which will form a complete visual barrier.
- (4) No dish or antenna shall exceed eight (8) feet in diameter, length, or width. No dish or antenna shall exceed eight feet in height, as measured from the surface it and its support structure is attached to.
- (5) No more than one dish shall be permitted on any lot. If more than one antenna is required, it shall be placed on a shared tower with other antennas.

D. Standards for commercial satellite dishes and antennas.

- (1) The dish or antenna shall be installed in the location that will best shield the dish or antenna from view from surrounding streets and properties.
- (2) No dish or antenna shall be permitted within that portion of a yard required to be a landscaped buffer area or yard.
- (3) When ground-mounted, the dish or antenna shall be screened from public streets and adjoining residential districts or uses by the installation of a fence, or by planting evergreen trees or shrubs which are the height of the dish or antenna when planted or six (6) feet (whichever is lower), and which will form a complete visual barrier.

E. Standards for all satellite dishes and antennas.

- (1) Height. Dishes, antennas, and their respective support structures shall be no taller than the minimum height needed to function satisfactorily.
- (2) Setbacks for all satellite dishes and antennas up to and including forty (40) feet in height.
 - (a) If the satellite dish or antenna is mounted on the ground, the building setbacks required by the underlying zoning district shall apply, except that in no case shall the setback be less than five (5) feet.
 - (b) If the satellite dish or antenna is mounted on a roof, it shall be no less than five (5) feet from any property line or party wall.
- (3) Setbacks for all satellite dishes and antennas more than 40 feet in height.
 - (a) Setbacks from property lines.
 - [1] Minimum setbacks for dishes and antennas located in the CC Community Commercial, LI Limited Industrial, OI Office Institution, and VMU Village Mixed-Use Districts shall be the largest of the following:
 - [a] Fifty percent (50%) of the height of the dish or antenna.
 - [b] The minimum building setback of the underlying zoning district.
 - [c] Forty (40) feet.
 - (b) Setbacks from roads. In addition to the required setbacks from property lines, all satellite dishes and antennas shall meet the following minimum setbacks from the ultimate right-of-way lines of all public roads. The classification of roads shall be according to Chapter 145, Subdivision and Land Development.
 - [1] From arterials: four (4) times the height of the dish or antenna.
 - [2] From collectors: three (3) times the height of the dish or antenna.
 - [3] From all other roads: two (2) times the height of the dish or antenna.
- (4) Antenna and support structure safety. The applicant shall demonstrate that the proposed disk, antenna, and/or support structure are safe and the surrounding areas

will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. When required by the Township, a support structure shall be fitted with anti-climbing devices, as approved by its manufacturer.

- (5) Fencing. A fence shall be required around a satellite dish, antenna, and/or its support structure and related equipment, unless the dish or antenna is mounted on a building. The fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height. This requirement shall apply to all antennas and satellite dishes that are mounted on the ground and meet either of the following criteria:
 - (a) Located in a nonresidential zoning district.
 - (b) More than ten (10) feet in diameter, length, width, or height.
- (6) Landscaping.
 - (a) All antennas and satellite dishes that are mounted on the ground and are more than six (6) feet in diameter, length, width, or height shall be landscaped using one of the following methods:
 - [1] Evergreen or deciduous shrubs. Shrubs shall be placed three (3) feet on center in a minimum five (5) foot wide bed surrounding the antenna or satellite dish and arranged to provide a continuous hedge-like screen at a minimum height of 3 ½ feet at maturity.
 - [2] Opaque fence with ornamental trees and shrubs. A six (6) foot opaque fence surrounding the antenna or satellite dish on at least three (3) sides with additional plantings at the minimum rate of three (3) shrubs and two (2) ornamental trees or large shrubs for each ten (10) linear feet of proposed fence, arranged formally or informally next to and on the outside of the fence.
 - (b) Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required landscaping at the discretion of Township Board of Supervisors. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
 - (c) No plantings shall impede the function of the antenna or satellite dish.
- (7) Required parking. If the antenna or satellite dish site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- (8) Painting, surface treatments and lighting. Antenna support structures under 200 feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Proposed buildings, support structures and fences shall receive color coatings and/or surface treatments that will minimize the visual effects of the facilities. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except when required by the FAA.
- (9) Licensing. The applicant must be licensed by the Federal Communications Commission, if necessary.
- (10) Township identification. An identification tag with the Township permit number shall be attached to all antennas and dishes.
- (11) Advertising. No advertising shall be affixed to any dish or antenna.
- (12) Demolition. Any satellite dish or antenna that is mounted on the ground and is more than eight (8) feet in diameter, length, width, or height shall be demolished within six (6) months of the date it is no longer in use.
 - (a) The owner of a satellite dish or antenna shall obtain a demolition permit from the Township to demolish the dish or antenna per the requirements of the Township Building Code, if applicable.
 - (b) The owner shall follow the specifications for demolition as specified in the Township Building Code.
- (13) Site plan. When required, the site plan shall show the following information:
 - (a) Property lines, building setbacks required by this chapter, zoning district(s) of all adjacent lots, and areas subject to easements and deed restrictions.
 - (b) Existing buildings and other structures, streets, sidewalks, parking areas, and large trees.
 - (c) The proposed antenna or satellite dish, including any proposed fencing, guy lines, landscaping, or other related features.
 - (d) Any other information deemed necessary by Township Board of Supervisors.

F.. Definitions. For the purposes of this Section, the following definitions shall apply:

HEIGHT - The vertical distance measured from the average grade around the base of the antenna, satellite disk, or support structure to the highest point of the antenna, disk, or

support structure. If the antenna or satellite dish is mounted on the roof of a house or other building, the height shall be measured from the peak of the roof to the top of the antenna, satellite dish, or support structure.

SATELLITE DISH - A structure consisting of three main components [the concave dish, a low-noise amplifier, and a receiver] that is designed to receive television broadcasts relayed by microwave signals from communications satellites orbiting Earth. Satellite dish serve only the needs of the occupants of a single building or a single development, except when used as a master dish for a cable TV franchise.

SUPPORT STRUCTURE - Any platform, pole, telescoping mast, tower, tripod, or any other structure which supports a satellite disk, antenna, or other device used in the transmitting or receiving of radio frequency energy.

ARTICLE II. Wireless Telecommunications Facility

A new section, 170-29.1 Wireless Telecommunications Facility, is added to Chapter 170, Zoning, of the Lower Frederick Township Code and shall read as follows:

§170-29.1 Wireless Telecommunications Facility.

- A. Purpose. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities in Lower Frederick Township. While the Township recognizes the importance of wireless telecommunications facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. Design. By enacting this Section, the Township intends to:
- (1) Promote the health, safety, and welfare of Township residents and businesses with respect to wireless telecommunications facilities;
 - (2) Provide for the managed development of wireless telecommunications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - (3) Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based wireless telecommunications facilities in the Township, including facilities both inside and outside the public rights-of-way;

- (4) Address new wireless technologies, including but not limited to, small wireless facilities, distributed antenna systems, data collection units, cable wi-fi, and other wireless telecommunications facilities;
- (5) Encourage the co-location of wireless telecommunications facilities on existing structures rather than the construction of new tower-based structures;
- (6) Protect Township residents from potential adverse impacts of wireless telecommunications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
- (7) Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

C. Definitions. The following are applicable to wireless telecommunications facilities:

- (1) *Accessory Equipment* - Any equipment serving or being used in conjunction with a Wireless Communications Facility or Wireless Support Structure, including but is not limited to, utility or transmission equipment; power supplies; generators; batteries; cables; equipment buildings, cabinets, and storage sheds; and shelters.
- (2) *Antenna* - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. An antenna shall not include Tower-Based WTF defined below. For the purposes of this Use, this definition shall not include private residents' mounted satellite dishes or television antennas or amateur radio equipment, including without limitation, ham or citizen band radio antennas.
- (3) *Co-location* - The mounting of one or more WTFs, including Antennae, on an existing Tower-Based WTF or utility or light pole.
- (4) *Communications Equipment Building* - An unmanned building, cabinet or structure containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet per user unless approved by the Township.
- (5) *Decorative Pole* - A Township-owned pole that is specially designed and placed for aesthetic purpose and on which no appurtenances or attachments, other than a Small Wireless Facility, lighting, or municipal attachments, have been placed or are permitted to be placed.

- (6) *Distributed Antenna Systems (DAS)* - Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.
- (7) *Emergency* - A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
- (8) *FCC* - Federal Communications Commission.
- (9) *Height of a Tower-Based WTF* - The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WTF, including antennas mounted on the tower and any other appurtenances.
- (10) *Monopole* - A WTF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
- (11) *Non-Tower Wireless Telecommunications Facility (Non-Tower WTF)* – Any wireless telecommunications facility, including but not limited to, Antennae and related equipment, that does not meet the definition of a Tower WTF. Non-Tower WTF shall not include support structures for Antennae and related equipment.
- (12) *Persons* - Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the Township or to any department or agency of the Township.
- (13) *Prior Approved Design* - A design for a Small Wireless Facility that has been reviewed and deemed to be in accordance with the requirements of this Section 170-29.1 and approved for construction by the Township.
- (14) *Small Wireless Facility (SWF)* - A specific type of Tower or Non-Tower WTF that meets all of the following requirements:
 - (a) The Facility is: mounted on a structure fifty (50) feet or lower in height (including the height of the proposed Antennas); mounted on a structure no more than ten percent (10%) taller than other adjacent structures; or mounted so that it does not extend the existing structure on which it is located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater.
 - (b) Each Antenna associated with the deployment of the Facility, excluding associated equipment, is no more than three (3) cubic feet in volume;

- (c) All wireless equipment, other than the Antennae, associated with the Facility, including the wireless equipment associated with the Antennae and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume.
 - (d) The Facility does not require antenna structure registration under FCC rules, in particular, 47 CFR Part 17;
 - (e) The Facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified by the FCC, in particular 47 CFR 1.1307(b).
- (15) *Stealth Technology* - Camouflaging methods applied to wireless communications towers, Antennae, and other related 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 Antennae, building-mounted Antennae painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.
 - (16) *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, whichever is greater, except that the mounting of the proposed Wireless Telecommunications Facility 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.
 - (17) *Tower-Based Wireless Telecommunications Facility (Tower-Based WTF)* - Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers, monopoles, utility poles, and light poles. DAS hub facilities are considered to be Tower-Based WTFs.
 - (18) *Township* - Lower Frederick Township, Montgomery County, Pennsylvania.
 - (19) *WBCA* - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)
 - (20) *Wireless* - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

- (21) *Wireless Telecommunications Facility (WTF)* - The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
- (22) *Wireless Telecommunications Facility Applicant (WTF Applicant)* - Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public ROW or other Township-owned land or property.
- (23) *Wireless Support Structure* - A freestanding structure, such as a Tower-Based Wireless Telecommunications Facility or any other support structure that could support the placement or installation of a Wireless Telecommunications Facility if approved by the Township.

D. General Requirements – All Facilities. Unless otherwise prohibited by the WBCA or Federal regulations, all Wireless Telecommunications Facilities shall be permitted only by conditional use in accordance with §170-31 of this Chapter. Where conditional use approval is prohibited by the WBCA or Federal regulations, such covered facilities shall be allowed by right. All WTFs shall be subject to the following regulations:

- (1) Standard of Care. Every WTF 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, as well as (when applicable) the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Every WTF 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 Township.
- (2) Wind. Every WTF and support 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/TIA-222-E Code, as amended). Such structures must be designed to withstand wind gusts of at least 100 miles per hour.
- (4) Interference. No WTF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (5) Radio Frequency Emissions. No WTF may, by itself or in conjunction with other WTFs, 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.

- (6) Aviation Safety. All WTFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) Lighting. WTFs shall not be artificially lit, except that security lighting may be used as long as it is shielded and pointed towards the ground to retain the light within the boundaries of the property or except as required by law. If lighting is required or proposed, 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.
- (8) Noise. All WTFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (9) Historic Buildings or Districts. No WTF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or eligible to be so listed, or has been designated by the Township as being of historic significance.
- (10) Natural Resources. The location of the WTF and all accessory structures and equipment shall comply with all applicable natural resource protection standards of this Chapter.
- (11) Security. All Communications Equipment Buildings and similar structures/areas shall be equipped with an appropriate security or alarm system for detection of fire. All towers, poles, and similar structures shall be fitted with anti-climbing devices, as approved by the manufacturer.
- (12) Monitoring and Maintenance. The following requirements shall apply:
 - (a) Every WTF 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 general public.
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (13) Graffiti. Any graffiti or unapproved signs on a Tower-Based or Non-Tower WTF or on 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 or signs.

- (14) Indemnification. Every applicant for a WTF shall complete an indemnification provision as a part of the application process. This provision shall provide that each person that owns or operates a WTF will, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, and agents, at all times, against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the WTF. Each Person that owns or operates a WTF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of the WTF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
- (15) Inspection.
- (a) All WTFs shall be inspected every two (2) years by an expert who is regularly involved in the maintenance, inspection, and/or erection of such facilities. At a minimum, this inspection shall be conducted with the tower inspection class checklist provided in the Electronics Industries Association (EIA) Standard 222, Structural Standards for Steel Antennae Towers and Antenna Support Structures. A copy of said inspection report shall be provided to the Township.
 - (b) The Township reserves the right to inspect any WTF to ensure compliance with the provisions of this Chapter and any other provision found within the Township Code or state or federal law. The Township shall have the authority to enter the property upon which a WTF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
 - (c) All WTF applicants shall provide the Township with a written commitment that they will allow the Township to inspect their WTF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or state or federal law and that they grant the Township and/or its agents the authority to enter the property upon which a WTF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (16) Application. Subsequent to conditional use approval and prior to construction/installation of the WTF, the applicant shall obtain a building permit from the Township. The plan and design calculations for the construction of any

WTF shall contain the seal and signature of a Pennsylvania licensed structural engineer.

E. General Requirements – Tower-Based WTFs. All Tower-Based Wireless Telecommunications Facilities shall be subject to the following regulations:

- (1) Location. Tower-Based WTFs shall only be allowed in the following Wireless Telecommunications Overlay Zones:
 - (a) CC Community Commercial, LI Limited Industrial, OI Office Institution, and VMU Village Mixed-Use Districts.
 - (b) On lots of eight (8) acres or greater in the R-1 Rural Residential and R-2 Low-Density Residential Districts.
 - (c) Attached to a tower or structure existing as of April 11, 2021 and located in any Zoning District.
- (2) Gap in Coverage. An applicant for a Tower-Based WTF must demonstrate that a significant gap in wireless coverage exists in the applicable area and that the type of WTF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
- (3) Co-Location. An application for a new WTF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed WTF cannot be accommodated on an existing structure or building, including, but not limited to utility and traffic light poles. Any application for approval of a WTF shall include a comprehensive inventory of all existing towers, buildings, and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized. If an existing building or structure is found, it shall be used to mount the Antenna unless the applicant provides written proof to the Township that the owner denied permission to the applicant to install the Antenna on this building or structure.
- (4) Timing of Approval. Within thirty (30) calendar days of the filing of an application for a Tower-Based WTF with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Any application for a Tower-Based WTF shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for a Tower-Based WTF. If additional information was requested by the Township 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. The Township shall advise the applicant in writing of its decision on the application.

- (5) Removal. In the event that use of a Tower-Based WTF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WTFs or portions of WTFs shall be removed as follows:
- (a) All unused or abandoned Tower-Based WTFs 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 Township.
 - (b) If the WTF 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 Township, the WTF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WTF, including any expenses incurred in conjunction with the removal of these facilities, including, but not limited to, engineering fees, attorney's fees, construction or demolition costs, and repair costs.
 - (c) Any unused portions of Tower-Based WTFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WTF previously removed.
 - (d) If the owner of the WTF fails to reimburse the Township for the costs of any removal activities undertaken by the Township within thirty (30) days of being invoiced for the same, the Township may make demand upon any bond or other financial security maintained with the Township for such WTF for the full amount owed to the Township, including any expenses incurred in conjunction with the collection of these monies, including, but not limited to, legal costs and attorney's fees.
 - (e) Removal of a Tower-Based WTF located in the ROW shall comply with the regulations set forth below for such facilities.
- (6) Signs. All WTFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
- (7) Additional Antennae. All Tower-Based WTF applicants shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on its Tower-Based WTF where technically and economically feasible. The owner of a Tower-Based WTF shall not install any additional Antennae without obtaining the prior written approval of the Township.
- (8) Permit Fees. The Township 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 Tower-Based WTF, as well as inspection, monitoring, and other related costs.

- (9) Bond. Prior to the issuance of a permit, the owner of a Tower-Based WTF shall, at its own cost and expense, obtain and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$100,000, from a surety licensed to do business in Pennsylvania. Such bond or security shall assure the faithful performance of the terms and conditions of this Ordinance and shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The original of said bond or security shall be provided to and held by the Township.

F. Specific Requirements – Tower-Based WTFs Inside of ROW. The following regulations shall apply to all Wireless Telecommunications Facilities located within the right-of-way of any public street and all such WTFs shall comply with these requirements:

- (1) Height. Every WTF shall be designed at the minimum functional height. All WTF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any WTF located in the public rights-of-way shall not exceed fifty (50) feet, which height shall include all subsequent additions or alterations.
- (2) Design Requirements:
 - (a) WTF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights 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) Antennae and all support equipment shall be treated to match the supporting structure. WTFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (3) Equipment Location. All WTF's 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 ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, the nearer edge of a sidewalk or pedestrian/bike path, or any building;

- (b) Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any underground vaults related to a Tower WTF located within the Right-of-Way shall be reviewed and approved by the Township.
- (4) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Tower WTF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WTF when the Township, 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 Township or other public improvement in the Right-of-Way;
 - (b) The operations of the Township 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 Township.
- (5) Compensation for ROW Use. In addition to permit fees as described above, every Tower-Based WTF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each WTF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The Annual ROW management fee for Tower-Based WTFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such WTFs.
- G. Specific Requirements – Tower-Based Facilities Outside of ROW. The following regulations shall apply to Tower-Based Wireless Telecommunications Facilities located outside of the right-of-way of any public street and all such WTFs shall comply with these specific requirements:

- (1) Height. Any Tower-Based WTF shall be designed at the minimum functional height. All Tower-Based WTF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WTF shall not exceed one hundred seventy-five (175) feet, which height shall include all subsequent additions or alterations.
- (2) Design Regulations and Finishes.
 - (a) To promote the aesthetics and compatibility of the use within the existing areas of the Township, Tower-Based WTFs located outside the public rights-of-way 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 WTF applicant shall be subject to the approval of the Township. At a minimum, all applications for a new WTF shall propose an alternate design in the form of a tree or silo where feasible.
 - (b) Any height extensions to an existing Tower-Based WTF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WTF to more than one hundred seventy-five (175) feet. The Township 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 Township.
 - (c) Any proposed Tower-Based WTF outside the public rights-of-way shall be designed structurally, electrically, and in all respects to accommodate both the WTF applicant's Antennae and comparable Antennae for future users.
 - (d) At a minimum, all Tower-Based WTFs outside the public rights-of-way shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
- (3) Surrounding Environs:
 - (a) The Tower-Based WTF applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WTF structure shall be preserved to the maximum extent possible.
 - (b) The Tower-Based WTF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WTF, and anchors for guy wires, if used.

- (4) Notice. In conjunction with an application for any WTF which shall be located outside the public rights-of-way, the applicant shall mail notice thereof to the owners and tenants of every property within one thousand (1,000) linear feet of the site of the proposed facility and shall provide proof of the mailing of such notice to the Township.
- (5) Sole Use on a Lot. A Tower-Based WTF is permitted as a sole use on a lot subject to the following:
- (a) Minimum lot size: 1 acre.
 - (b) Minimum setbacks measured from the required security fence: Thirty-Five percent (35%) of the height of the Wireless Support Structure or the yard setbacks applicable to the Zoning District in which the WTF is located, whichever is greater.
- (6) Combined with Another Use. A Tower-Based WTF may be permitted on a lot with an existing agricultural, industrial, commercial, institutional, or municipal use, subject to the following conditions:
- (a) The existing use on the property shall be any permitted use in the applicable Zoning District, and need not be affiliated with the WTF.
 - (b) Minimum Lot Size. The minimum lot area shall be the area needed to accommodate the tower/pole (guy wires if used), the communications equipment building, security fence, and buffer planting, which shall be in addition to the required lot area for the existing permitted use.
 - (c) Minimum Setbacks. Minimum setbacks measured from the required security fence: Thirty-Five percent (35%) of the height of the Wireless Support Structure or the yard setbacks applicable to the Zoning District in which the WTF is located, whichever is greater.
 - (d) Access. Whenever feasible, the vehicular access to the communications equipment building shall be provided along the circulation driveways of the existing use.
- (7) Fence/Screen:
- (a) An eight (8) foot high security fence shall completely surround any Tower-Based WTF, guy wires, Communications Equipment Building, or any other structure housing WTF equipment.
 - (b) An evergreen screen, consisting of arborvitae trees six (6) feet in height, planted at three-foot intervals, shall be planted along the perimeter of the security fence, unless otherwise approved by the Board of Supervisors.

- (8) Accessory Equipment:
- (a) Ground-mounted equipment associated to, or connected with, a Tower-Based WTF shall be underground or screened from public view using Stealth Technologies, as described above.
 - (b) All Communications Equipment Buildings, utility buildings, and accessory structures 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.
- (9) Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to a Tower-Based WTF. 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. Two (2) off-street parking spaces, or one (1) space per employee, whichever requires the greatest number of spaces, shall be provided. Where necessary, the WTF owner shall present documentation to the Township that the property owner has granted an access easement for the proposed facility.

H. Specific Requirements – Non-Tower Facilities Outside of ROW. All Non-Tower Wireless Telecommunications Facilities, except for those located in the public rights-of-way, shall be subject to the following regulations:

- (1) Permitted in All Zones Subject to Regulations. Non-Tower WTFs are permitted in all zones in accordance with the restrictions and conditions prescribed within this Chapter and subject to the prior written approval of the Township.
- (2) Removal. In the event that use of a Non-Tower WTF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WTFs or portions of WTFs shall be removed as follows:
 - (a) All abandoned or unused WTFs 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 Township.
 - (b) If the WTF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WTF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WTF.

- (c) Removal of a Non-Tower WTF located in the ROW shall comply with the regulations set forth below for such facilities.
- (3) Permit Fees. The Township 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 WTF, as well as related inspection, monitoring, and related costs. Where the Non-Tower WTF does not Substantially Change the physical dimensions of the Wireless Support Structure to which it is attached, the Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of this Non-Tower WTF or \$1,000, whichever is less.
- (4) Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WTF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township 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 Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
- (5) Bond. Prior to the issuance of a permit, the owner of a Non-Tower WTF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$25,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

I. Specific Requirements – Non-Tower Facilities in ROW. All Non-Tower Wireless Telecommunications Facilities located in the public rights-of-way shall be subject to the following regulations:

- (1) Co-location. Non-Tower WTFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
- (2) Design Requirements:
 - (a) WTF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights 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) Antennae and all support equipment shall be treated to match the supporting structure. WTFs 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 ROW Use. In addition to permit fees as described above, every Non-Tower WTF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each Non-Tower WTF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WTFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such Non-Tower WTF.
- (4) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair, and/or removal of all Non-Tower WTFs in the ROW based on public safety, traffic management, physical burden on the ROW, 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.
- (5) Equipment Location. Non-Tower WTFs 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 ROW as determined by the Township. In addition:
- (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, the nearer edge of a sidewalk or pedestrian/bike path, or any building;
 - (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 Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

- (d) Any underground vaults related to a Non-Tower WTF located within the Right-of-Way shall be reviewed and approved by the Township.
- (6) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Non-Tower WTF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WTF when the Township, 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 Township or other public improvement in the Right-of-Way;
 - (b) The operations of the Township 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 Township.
- (7) Visual or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a Non-Tower WTF based upon visual and/or land use impact.

J. Specific Requirements – Non-Tower Facilities that Change Support Structure. All Non-Tower Wireless Telecommunications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached shall be subject to the following additional regulations:

- (1) Development Regulations. Non-Tower WTFs shall be co-located on existing structures, such as existing buildings or Tower-Based WTF's, subject to the following conditions:
 - (a) If the WTF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - (b) An eight (8) foot high security fence shall surround any separate communications equipment building, and an evergreen screen, consisting of arborvitae trees six (6) feet in height, planted at three-foot intervals, shall be planted along the perimeter of the security fence, unless otherwise approved by the Board of Supervisors. 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 WTFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WTF applicant shall be subject to the approval of the Township.
- (b) Non-Tower WTFs, which are mounted to a building or similar structure, may not exceed a height of fifty (50) feet above the roof or parapet, whichever is higher.
- (c) All Non-Tower WTF applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- (d) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- (e) Non-Commercial Usage Exemption. Persons utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Subsection.

(3) Removal, Replacement, and Modification.

- (a) The removal and replacement of Non-Tower WTFs and/or accessory equipment for the purpose of upgrading or repairing the WTF is permitted, so long as such repair or upgrade does not increase the overall size of the WTF or the numbers of Antennae.
- (b) Any material modification to a WTF shall require a prior amendment to the original permit or authorization.

K. Conditional Use Requirements. Applicants for a Wireless Telecommunications Facility shall present testimony and evidence to the Board of Supervisors in support of the following requirements:

- (1) The applicant shall present documentation that the facility is designed in accordance with all the standards cited in this Chapter for WTFs.
- (2) The applicant shall demonstrate that the antenna/tower/pole for the WTF is the minimum height necessary for the service area.

- (3) The applicant shall demonstrate that the proposed WTF complies with all State and Federal laws and regulations concerning aviation safety.
 - (4) The need for additional buffer yard treatments shall be evaluated.
 - (5) The applicant shall demonstrate that the WTF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.
 - (6) Where the WTF is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- L. Township Facilities. Proposed or existing WTFs owned, operated, or leased by Lower Frederick Township or located upon property owned by Lower Frederick Township shall not be subject to the requirements of this Section, nor to the conditional use provisions of this Chapter. This exemption does not apply to proposed or existing WTFs located in Township-owned rights-of-way and owned by non-Township entities.
- M. Specific standards for Small Wireless Facilities. All Small Wireless Facilities shall be subject to the following regulations in addition to the requirements applicable to the type of WTF the SWF is proposed to be (Tower, Non-Tower, etc.) as set forth in this Section:
- (1) All SWFs shall comply with and follow the standards set forth in the Lower Frederick Township "Design Standards Manual for Small Wireless Communication Facilities."
 - (2) All SWFs shall be installed and maintained in a workmanlike manner in compliance with the Pennsylvania Uniform Construction Code, National Electric Safety Code, and the National Electrical Code, as applicable.
 - (3) All SWFs shall comply with the Americans with Disabilities Act and all applicable requirements relating to streets and sidewalks as established by the Township Code.
 - (4) No SWFs and/or Antennae mounted on an existing structure shall impair the function of said structure.
 - (5) No Accessory Equipment shall feature any lighting, including flashing indicator lights, unless required by state or federal law.
 - (6) Replacement Poles.
 - (a) The maximum height of any proposed replacement pole shall be the greater of the following:

- [1] Ten percent (10%) higher than the tallest existing pole in the same Right-of-Way within a two hundred fifty (250) foot radius of the proposed SWF; or
 - [2] Fifty (50) feet above ground level (calculated as the average ground level of an area twenty (20) feet in radius around the pole) where the replacement pole is to be installed,
- (b) Any replacement pole shall be designed to accommodate all uses that existed on the existing utility pole prior to replacement. As part of an application for a SWF, the applicant shall provide documentation from a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the replacement pole, SWF, and prior existing uses shall be structurally sound.
- (7) New Poles. The maximum height of any proposed new pole shall be the greater of the following:
- (a) Ten percent (10%) higher than the tallest existing pole in the same Right-of-Way within a two hundred fifty (250) foot radius of the proposed SWF; or
 - (b) Fifty (50) feet above ground level (calculated as the average ground level of an area twenty (20) feet in radius around the pole) where the new pole is to be installed,
- (8) Timing of Approval.
- (a) Incomplete Application. Within ten (10) calendar days of receiving an incomplete original or revised application for a SWF, the Township shall notify the applicant in writing of this fact and state what information is required to complete such application. If an applicant for a SWF submits an incomplete original application, the deadlines for approval listed below shall restart upon the filing of the revised application, so long as the Township has notified the applicant in writing within ten (10) days of submission that the original application is incomplete. When a revised application has been found to be incomplete, the deadlines for approval are tolled until the missing information is submitted, so long as the Township has notified the applicant in writing within ten (10) days of submission of the revised application that the additional information provided is insufficient.
 - (b) Any application to add a SWF to an existing structure shall be fully acted upon by the Township within sixty (60) days of the receipt of a fully completed application for such a SWF. The Township shall advise the applicant in writing of its decision on the application.

(c) Any application for a SWF that requires a new support structure, such as a new pole, shall be fully acted upon by the Township within ninety (90) days of the receipt of a fully completed application for such a SWF. The Township shall advise the applicant in writing of its decision on the application.

(9) Fees.

(a) Permit Fees. The Township 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 SWF, as well as inspection, monitoring, and other related costs.

(b) Compensation for ROW Use. In addition to the above-described permit fees, every SWF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each SWF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above.

(c) The fees for SWFs shall be determined by the Township and authorized by resolution of Township Board from time to time and shall be based on the Township's actual costs for processing applications and managing the rights-of-way concerning SWFs.

ARTICLE II. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE III. Severability

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

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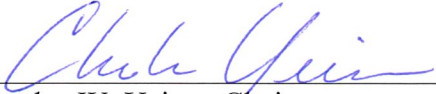
LOWER FREDERICK TOWNSHIP
WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE
Ordinance No. 2021-01

ARTICLE IV. **Effective Date**

This Ordinance shall become effective five (5) days after final enactment.

ENACTED and *ORDAINED* this 6th day of April, 2021.


LOWER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS




Charles W. Yeiser, Chair



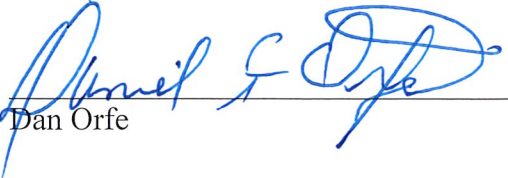
Marla Hexter, Vice Chair



Terry Bird



Noelle Halter



Dan Orfe