

**AN ORDINANCE OF CHANCEFORD TOWNSHIP,
YORK COUNTY, PENNSYLVANIA**

**Regulating the Placement of Communication Antennas
And Communications Towers Within the Township, and
Repealing the Previous Communication Tower Ordinance.**

ORDINANCE NUMBER 2002-03

WHEREAS, technical developments in the telecommunications field have provided new options for the expansion and delivery of communications services to the Township and its residents; and

WHEREAS, the Board of Supervisors recognizes that the Township, its police, fire and emergency medical services, and its residents and visitors rely on wireless communications services for business and personal uses; and

WHEREAS, the Board of Supervisors therefore desires to encourage efficient and adequate wireless communication services within the Township while at the same time, protecting the public health, safety and welfare; and

WHEREAS, in an effort to facilitate efficient and adequate communications services and protect the interests of its residents, the Board of Supervisors desires to regulate the construction and the placement of communications antennas and towers; and

WHEREAS, federal and state statutes and regulations impose certain limitations on the Township's ability to regulate the placement and construction of communications antennas and towers; and

WHEREAS, it is necessary to amend the Zoning Ordinance to make it consistent with the interests of the Township and its residents and limitations imposed by federal and state statutes and regulations.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Chanceford Township as follows:

Section 1. Short Title. This Ordinance shall be known and may be cited as "Chanceford Township Communications Antenna and Tower Ordinance."

Section 2. Definitions. The following words and phrases when used in this Ordinance shall, for the purpose of this ordinance, have the following meanings, respectively, except in this instances where the context clearly indicates a different meaning:

Section 2.1 Communications Antenna (or “Antenna”): Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall **not** include private residence-mounted satellite dishes or television antennas, or amateur radio equipment including without limitation ham or citizen band radio antennas.

Section 2.2 Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

Section 2.3 Communications Tower (or “Tower”): A Structure other than a building, such as a monopole or self-supporting metal-lattice tower, designed and used to support Communications Antennas.

Section 2.4 Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications Tower, including Antennas mounted on the Communications Tower.

Section 2.5 Public Utility Transmission Tower: A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Section 2.6 Structure: Any thing built, constructed or erected which requires location on the ground or attachment to something located on the ground.

Section 3. Uses Permitted by Special Exception. Communications Antennas and Communications Towers shall be uses permitted by special exception in every zone in Chanceford Township, subject to the requirements for all special exceptions under Section 502 of the Chanceford Township Zoning Ordinance as well as the additional requirements stated herein.

Section 4. COMMUNICATIONS ANTENNAS. It is the stated intent of the Board of Supervisors to allow the use of Communications Antennas within the Township in such a way as to minimize the intrusiveness of their appearance and detract from the generally rural and natural setting of the Township. To that end, unobtrusive placement of a Communications Antenna on or within already-existing Structures, including but not limited to church steeples, silos, rooftops, Public Utility Transmission Towers, pre-existing Communications Towers, or other building-mounted Communications Antennas (hereinafter referred to as “Building-mounted Communications Antennas”) shall at all times be preferred as compared to installation of a Communications Antenna on a newly-erected Communications Tower.

Section 4.1 Limitations on Building-Mounted Communications Antennas.

Building-mounted Communications Antennas shall be subject to the following limitations:

Section 4.1.1. Building-Mounted Communications Antennas shall not be located on any single-family dwelling or two-family dwelling.

Section 4.1.2. Building-Mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

Section 4.1.3. Any applicant proposing Communications Antennas to be mounted on a building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location. Such applicant shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the Township's Building code and other applicable law.

Section 4.1.4. Any applicant proposing that a Communications Antenna be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the Antenna is to be mounted so that installation and maintenance of the Antenna and Communications Equipment Building can be accomplished.

Section 4.2. Applicants proposing installation of Communications Antennas shall provide the Township with evidence of compliance with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation; the name, address and emergency telephone number for the operator of the Communications Antenna; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.

Section 4.3 Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Township.

Section 4.4 The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such Antennas.

Section 4.5 Any Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

Section 5. COMMUNICATIONS TOWERS. Communications Towers shall be subject to the following limitations:

Section 5.1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower and, if applicable, Communications Antennas.

Section 5.2. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation, and that the proposed Communications Tower is constructed so as to accommodate other users of possible, including local fire, police, and ambulance companies.

Section 5.3. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.

Section 5.4. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

Section 5.5 The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function. All towers must be freestanding and without guy wires.

Section 5.6 Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one (1) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

- (a) The proposed Antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
- (b) The proposed Antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.

- (c) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (e) A commercially reasonable agreement could not be reached with the owners of such Structures.

Section 5.7 Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

Section 5.8 Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length. If located in an Agricultural or conservation zone, the access to the facilities must be of an existing roadway or through lands of low quality of agricultural use as defined in Article VI of the Zoning Ordinance, so as not to interfere with agricultural use of the tract through which the access road or drive passes.

Section 5.9 A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

Section 5.10 If the proposed Communications Tower is to be located within the Agricultural or Conservation Zone, the provisions of Sections 206.9 and 207.9 of the Chanceford Township Zoning Ordinance shall apply to the construction of a Communications Tower and to reduce the number of dwelling units permitted the tract where the use is indicated.

Section 5.11. Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.

Section 5.12. The maximum height of any Communications Tower shall be one hundred fifty (150) feet; provided, however, that the Height of a Communications Tower shall not exceed the distance from the base of said tower to any adjoining property line (not lease line) or any occupied structure. The Height of a Communications Tower may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.

Section 5.13. The foundation and base of any Communications Tower shall be set back from a property line (not lease line) located in any Residential District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

Section 5.14. The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties. The site of a Communications Tower shall be secured by a fence with a height of between six (6) and eight (8) feet to limit accessibility by the general public. One (1) off street parking space shall be provided within the fenced area. The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure. Any Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

Section 5.15. No signs or lights shall be mounted on a Communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. Towers shall either maintain a galvanized steel finish or subject to any applicable standard of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.

Section 5.16. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months after the expiration of the twelve (12) month period. Applicants shall be required to inform the Township within thirty (30) days of any cessation of use of a Communications Tower.

Section 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED into an Ordinance and passed by the Board of Supervisors of Chanceford Township on this 10th day of June, 2002.

Attest:

/s/ Brenda C. Gohn
Secretary

**CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS**

By: /s/ Eric T. Bacon
Supervisor

By: /s/ William L. Rexroth
Supervisor