

**WORCESTER TOWNSHIP PLANNING COMMISSION MEETING  
WORCESTER TOWNSHIP COMMUNITY HALL  
1031 VALLEY FORGE ROAD, WORCESTER, PA 19490  
THURSDAY, MAY 25, 2017, 7:30 PM**

**CALL TO ORDER** by Mr. Todd at 7:30 PM

**ATTENDANCE**

PRESENT:	GORDON TODD	[X]
	PAT QUIGLEY	[X]
	CHRIS DAVID	[X]
	DOUG ROTONDO	[X]
	TONY SHERR	[X]
	RICK DELELLO	[X]

1. April 27, 2017 Meeting Minutes – Ms. David motioned to approve the April 27, 2017 Meeting Minutes, second by Mr. Rotondo. There was no public comment. By unanimous vote the motion was approved.
2. Center Point Village Zoning Ordinance – The Planning Commission discussed commercial aspects of the draft ordinance. They will inquire with the Township Manager about the anticipated timeline for reviewing applications from private planning consultants and the eventual hiring of one.
3. Agricultural Security Area – The Planning Commission reviewed an application to add a property to Worcester Township’s Agricultural Security Area (ASA). The property is located at 3110 Heebner Road and consists of 119.47 acres. Ms. David made a motion to recommend to the Board of Supervisors that the property be added to the ASA, seconded by Ms. Quigley. There was no public comment. By unanimous vote the motion was approved.
4. Wireless Communications Ordinance – The Planning Commission discussed aspects of a potential ordinance to regulate the placement and erection of new wireless communications structures. Currently the township has no ordinance or any regulation governing these structures. The issues expressed were as follows:
  - Conditional use (whether or not to require)
  - Distribution and density of wireless communications structures throughout the township
  - Safety of said structures
  - Aesthetics of said structures
  - Use of waivers (whether or not to allow)
  - Proximity of said structures to historic, sensitive, and/or scenic structures and/or viewsheds

5. May 25 Meeting Agenda – At its June 22, 2017 meeting the Planning Commission will discuss the Center Point Village Zoning Ordinance (including consultant timeline) and a potential ordinance to regulate new wireless communications structures.

#### **PUBLIC COMMENT**

- Robert Andorn, Worcester, asked how and why the proposed wireless communications ordinance was drafted. He expressed concerns about private property rights. Mr. Todd commented that the Township Manager has looked at numerous wireless communications ordinances from other municipalities and was involved with drafting one for a township where he worked previously.
- Michelle Greenawalt, Worcester, asked if wireless communication structures were considered public utilities (in which case they would be immune to municipal regulation). Mr. Sherr said that under current law, wireless communication structures are not considered public utilities, and therefore may be regulated by local municipalities.

#### **ADJOURNMENT**

There being no further business before the Planning Commission, Mr. Todd adjourned the meeting at 8:45 PM.

Respectfully Submitted:

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Douglas Rotondo  
Planning Commission Secretary

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING TO ESTABLISH REGULATIONS PERTAINING  
TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF  
TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND  
NON-TOWER WIRELESS COMMUNICATION FACILITIES, AND PROVIDING  
FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE  
PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY**

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED**, by the Board of Supervisors of Worcester Township, the Code shall be amended as follows:

SECTION I – Township Code Article III, Terminology, Section 150-9, is hereby amended to include the following definitions:

1. *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 does not include Tower-Based Wireless Communications Facilities as defined below.
2. *Co-location or Co-located* — The mounting of one or more Wireless Communication Facilities, including Antennae, on an existing Tower-Based Wireless Control Facility, or on any structure that already supports at least one Non-Tower Wireless Control Facility.
3. *Distributed Antenna Systems (DAS)* — A network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
4. *FCC* — Federal Communications Commission.
5. *Height of a Tower-Based WCF* – The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based Wireless Control Facility, including Antennae mounted on the tower and any other appurtenances.
6. *Monopole* — A Wireless Communication Facility that 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.
7. *Non-Tower Wireless Communications Facility (Non-Tower WCF)* — All non-tower wireless communications facilities, including but not limited to, antennae and Related Equipment. Non-Tower Wireless Control Facility shall not include support structures for Antennae or any Related Equipment that is mounted to the ground or at ground-level.

8. *Related Equipment* — Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based Wireless Control Facility or Non-Tower Wireless Control Facility, including, but not limited to, generators and base stations.
9. *Right-of-Way (ROW)* — The surface of and space above and below any real property in which the Federal, State or Township government has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets. The phrase “in the Rights-of-Way” and means in, on, over, along, above and/or under the Rights-of-Way.
10. *Stealth Technology* — Camouflaging methods applied to Wireless Control Facilities, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
11. *Substantially Change or Substantial 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 Communications Facility may exceed the size limits set forth in the Township Code or in the Pennsylvania Wireless Broadband Collocation Act if necessary to avoid interference with existing Antennae; 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. Substantial Change may also include a certain size increase as defined by the Federal Communications Commission with regard to Related Equipment.
12. *Tower-Based Wireless Communications Facility (Tower-Based WCF)* — 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 ground-based Distributed Antenna Systems facility structures. Distributed Antenna Systems' hub facilities are also considered to be Tower-Based Wireless Communications Facilities.
13. *WBCA* – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)
14. *Wireless* — Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
15. *Wireless Communications Facility (WCF)* — 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.

16. *Wireless Support Structure* — A freestanding structure, such as a Tower-Based Wireless Communications Facility, utility pole, or any other structure that could support the placement or installation of a Wireless Communications Facility, if approved by the Township.

SECTION II – Township Code Article III, Terminology, Section 150-9, is hereby amended to include the following definitions:

SECTION III – Township Code is hereby amended to include a new chapter – Chapter 53, Wireless Communication Facilities – as follows:

#### SECTION 53-1. Purposes and Findings of Fact

- A. The purpose of this Article is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in Worcester Township. While the Township recognizes the importance of Wireless Communications Facilities in providing high-quality communication services 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. By enacting these provisions, the Township intends to:
  1. provide for the managed development of Wireless Communications 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;
  2. establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower Wireless Communications Facilities in the Township, including facilities both in and outside Rights-of-way;
  3. address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
  4. minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate commercial communications antennas and related facilities on existing towers; and,
  5. promote the health, safety and welfare of the Township residents.

#### SECTION 53-2. Non-Tower Wireless Communications Facilities

- A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities (Non-Tower WCFs):
1. Permitted in All Zoning Districts Subject to Regulations. Non-Tower WCFs are permitted in all Zoning Districts subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.
  2. Prohibited on Certain Structures. Non-Tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
  3. Historic Resources. Non-Tower WCFs shall not be located on a property, building or structure that is (a) listed on the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, (b) listed on any official inventory of historic structures maintained by the Township, or (c) in the historic villages of Cedars, Center Point or Fairview Village, with the boundaries of each historic village as shown on Exhibit A attached hereto, unless the owner is entitled to such installation by federal rules and regulations.
  4. Standard of Care. Non-Tower WCFs 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, and National Electrical Code. Any Non-Tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
  5. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E, as amended).
  6. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
  7. Public Safety Communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  8. Radio Frequency Emissions. Non-Tower WCF shall not, by itself or in conjunction with other Non-Tower WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
  9. Removal. In the event that use of a Non-Tower WCF 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 Non-Tower WCFs or portions of Non-Tower WCFs shall be removed as follows:

- a. Abandoned or unused Non-Tower WCFs and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - b. If the Non-Tower WCF or Related Equipment are not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the Non-Tower WCF or Related Equipment may be removed by the Township and the cost of removal assessed against the owner of the Non-Tower WCF and/or against the owner of the property upon which the Non-Tower WCF or Related Equipment is located.
10. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Zoning Officer 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 Zoning Officer shall make a 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.
11. **Insurance.** The owner and operator of a Non-Tower WCF shall provide the Township with a certificate of insurance that includes the Township as an additional insured, and that evidences 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 Non-Tower WCFs.
12. **Indemnification.** The owner and operator of a Non-Tower WCF shall, at his or her 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 owner, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. The owner and operator 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 a Non-Tower WCF. 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, expert fees, court costs and all other costs of indemnification.
13. **Maintenance.** To the extent permitted by law, the following maintenance requirements shall apply:
- a. Non-Tower WCFs shall be fully automated and unattended on a daily basis, and shall be visited only for maintenance or emergency repair.

- b. Maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security.
    - c. Maintenance activities shall utilize the best available technology for preventing failures and accidents.
  - 14. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
- B. The following additional regulations shall apply to Non-Tower WCFs that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached:
  - 1. Permit Required. Non-Tower WCF applicants that propose the modification of an existing Wireless Support Structure shall obtain a Zoning Permit from the Township. In order to be considered for such permit, the applicant must submit a permit application to the Township, on the form as prescribed by the Township.
  - 2. Non-Tower WCFs that do not Substantially Change the physical dimension of the Wireless Support Structure may be eligible for a sixty (60) day timeframe for review. Applicants shall assert such eligibility in writing to the Township and provide documentation reasonably related to determining whether the application is eligible for the shortened review and, if warranted, such application shall be reviewed within the sixty (60) day timeframe.
  - 3. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within twenty-five (25) feet of a lot in residential use or zoned residential.
  - 4. 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 WCF or \$1,000, whichever is less.
- C. The following additional regulations shall apply to Non-Tower WCFs that Substantially Change the Wireless Support Structure to which they are attached:
  - 1. 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 WCF that that Substantially Change the Wireless Support Structure to which they are attached.
- D. The following additional regulations shall apply to Non-Tower WCFs located outside of Rights-of-Way:
  - 1. Development Regulations. Non-Tower WCFs shall be co-located on existing Wireless Support Structures, and shall be subject to the following conditions:

- a. The total height of any Wireless Support Structure and mounted Non-Tower WCFs shall not exceed the height limitation of the Wireless Support Structure permitted in the underlying zoning district by more than twenty (20) feet.
  - b. The owner and operator of Non-Tower WCFs must submit documentation that justifies the total height of the proposed Non-Tower WCF.
  - c. If Related Equipment is proposed to be located in a separate building or structure, the building or structure shall comply with all applicable requirements set forth in the zoning district.
  - d. A security fence not less than eight (8) feet in height shall surround any Related Equipment housed in separate building or structure, and landscaping shall be installed around the fencing, to provide four-season screening from all abutting properties. Vehicular access to the Non-Tower WCFs and Related Equipment shall not interfere with the parking or vehicular circulation for the site's principal use.
2. Design Regulations. Non-Tower WCFs shall meet the following design conditions:
- a. Non-Tower WCFs shall employ stealth technology and shall be treated to match the Wireless Support Structure to which they are attached, in order to minimize aesthetic impact. The stealth technology utilized shall be approved of the Township.
  - b. Satellite dishes and Antennae used for the purpose of providing television, phone, and/or internet connections at a private residence or business only shall be exempt from the design regulations enumerated herein.
3. Removal, Replacement and Modification. The removal, replacement and modification of Non-Tower WCFs and/or Related Equipment, for the purpose of upgrading or repairing the Non-Tower WCF and/or Related Equipment, shall be permitted, provided that such repair or upgrade increases neither the overall dimensions of the Non-Tower WCF nor the numbers of Antennae, and provide any required permit is obtained from the Township.
4. Inspection. The Township reserves the right to inspect Non-Tower WCFs to ensure compliance with the provisions noted herein, and with any other provision in Township Code or Federal or State Law. The Township and/or its agents shall have the authority to enter the property upon which a Non-Tower WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- E. The following additional regulations apply to Non-Tower WCFs in Rights-of-Way:
1. Co-location. Non-Tower WCFs shall be co-located on existing Wireless Support Structures.
  2. Design Requirements. Non-Tower WCFs shall meet the following design conditions:

- a. All Non-Tower WCF components located above the surface grade shall be no greater than six (6') feet in height.
  - b. All equipment employed shall be the smallest and least visibly intrusive equipment feasible.
  - c. Antennae and all Related Equipment shall be treated to match the supporting structure, and Non-Tower WCFs and Related Equipment shall be painted, or otherwise coated, to be visually compatible with the Wireless Support Structure on which they are mounted.
3. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in Rights-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way, and related considerations, in the sole discretion of the Township.
4. Equipment Location. Non-Tower WCFs and Related 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 Rights-of-Way, as determined by the Township, in its sole discretion. In addition:
  - a. Ground-mounted equipment, walls, or landscaping shall not be located within eighteen (18) inches of the face of the curb, or within an easement extending onto a privately-owned lot.
  - 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. Graffiti on a Wireless Support Structure, Non-Tower WCF or Related Equipment shall be removed at the sole expense of the owner within ten (10) business days of the date of notice from the Township of the existence of the graffiti.
  - d. All underground vaults shall be reviewed and approved by the Township.
5. 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 WCF in the Right-of-Way shall, at his or her own expense, temporarily or permanently remove, relocate, change or alter the position of any Non-Tower WCF when the Township determines that such removal, relocation, change or alteration is reasonably necessary to construct, repair, maintain or install a Township or other public improvement in the Right-of-Way; conduct operations of the Township, or to conduct the operations of another government entity, in the Right-of-Way; vacate a roadway, or to establish or to release a utility or other easement; or, address an emergency as determined by the Township.

6. Any Non-Tower Based WCF located on property owned by Worcester Township shall be exempt from any requirement noted in this section.

### SECTION 53-3. Tower-Based Wireless Communication Facilities

- A. The following regulations shall apply to all Tower-Based Wireless Communications Facilities (Tower-Based WCFs):
  1. Standard of Care. Tower-Based WCFs 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 the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Tower-Based WCFs shall at all times be kept and maintained in good condition, order and repair by qualified personnel, so that the same shall not endanger the life of any person or any property in the Township.
  2. Permit Application. At the time a permit application is submitted to the Township the applicant shall provide documentation that:
    - a. Demonstrates the proposed height of the Tower-Based WCF is the minimum height required to operate the Tower-Based WCF. No applicant shall have the right under these regulations to erect a tower to the maximum height specified in this Article unless it proves the necessity for such height. The applicant shall demonstrate the Tower-Based WCF is proposed at the minimum height necessary for the service area.
    - b. Demonstrates that the communications system cannot adequately extend or infill its communications system by the use of antennae and/or Non-Tower WCFs.
    - c. Provides a propagation study evidencing the need for the Tower-Based WCF, as well as a description of the type and manufacturer of the proposed transmission/radio equipment.
    - d. Demonstrates the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
    - e. Provides a written commitment that it will allow other service providers to co-locate Non-Tower WCFs on the Tower-Based WCF where this is technically and economically feasible.
    - f. For a Tower-Based WCF that is located on a property with another principal use, provides documentation that the property owner has granted an easement for the proposed Tower-Based WCF, and that vehicular access will be provided to the facility.

- g. Employ stealth technologies. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
    - i. The Township may require that Related Equipment that houses electrical transmitters and like components be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
    - ii. In making these determinations, the Township may consider whether that proposed promotes the harmonious and orderly development of the zoning district involved; encourages compatibility with the character and type of development existing in the area; benefits neighboring properties by preventing a negative impact on the aesthetic character of the community; preserves woodlands and trees existing at the site to the greatest possible extent; and encourages sound engineering and land development design and construction principles, practices and techniques.
  - h. Certifies the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. The owner of the Tower-Based WCF shall demonstrate that he or she has contacted the owners of tall structures, buildings, and towers within a one quarter ( $\frac{1}{4}$ ) of a mile radius of the site proposed, and had sought permission to install an Antenna on those structures, buildings, and towers, and was denied for at least one of the following reasons:
    - i. The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
    - ii. The proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
    - iii. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
    - iv. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
3. Engineer Inspection, Seal and Signature. Prior to the issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the Tower-Based WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association. All

plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

4. **Permit Required for Modifications.** To the extent permissible under applicable state and federal law, modification of an existing Tower-Based WCF that increases the overall height of the Tower-Based WCF shall require a Township approval and the issuance of a Township permit.
5. **Wind.** Tower-Based WCFs shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E, as amended).
6. **Height.** Tower-Based WCFs shall be designed at the minimum functional height. The maximum total height of any Tower-Based WCF shall not exceed one hundred twenty (120) feet, as measured vertically from the ground level, including any base pad, to the highest point on the structure, including Antennae and subsequent alterations. Should the owner of the Tower-Based WCF demonstrate that another provider of wireless communications services has agreed to co-locate facilities on the Tower-Based WCF, and this requires a greater tower height to provide satisfactory service for wireless communications, the total height of the Tower-Based WCF may exceed one hundred twenty (120) feet only if a waiver is granted by the Board of Supervisors.
7. **Related Equipment Building.** Any building or other structure housing Related Equipment shall comply with the required yard and height requirement of the applicable zoning district for an accessory structure.
8. **Public Safety Communications.** Tower-Based WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
9. **Maintenance.** The following maintenance requirements shall apply:
  - a. Tower-Based WCFs shall be fully automated and unattended on a daily basis, and shall be visited only for maintenance or emergency repair.
  - b. Maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - c. Maintenance activities shall utilize the best available technology for preventing failures and accidents.
10. **Radio Frequency Emissions.** Tower-Based WCF shall not, by itself or in conjunction with other WCFs, 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.

11. Historic Properties and Conservancy Lands. Non-Tower-Based WCFs shall not be located on a property that is (a) listed on the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, (b) in the historic villages of Cedars, Center Point or Fairview Village, with the boundaries of each historic village as shown on Exhibit A attached hereto, (c) under conservation easement, or (d) within a designated view shed as shown on Exhibit B attached hereto, unless the owner is entitled to such installation by federal rules and regulations.
12. Signs. Tower-Based WCFs 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. The only other signage permitted on the Tower-Based WCF shall be those required by the FCC, or any other federal or state agency.
13. Lighting. Tower-Based WCFs shall not be artificially lighted, except as required by law. If lighting is required, the owner shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
14. Noise. Tower-Based WCFs 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.
15. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
16. Timing of Approval. Within thirty (30) calendar days of the date that a permit application for a Tower-Based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application. 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.
17. Non-Conforming Uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must comply with all applicable terms and conditions of these regulations that are necessary to protect public health and safety. Co-location on existing non-conforming Tower-Based WCFs is permitted.
18. Removal. In the event use of a Tower-Based WCF 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 Tower-Based WCFs or portions of Tower-Based WCFs shall be removed as follows:
  - a. All unused or abandoned Tower-Based WCFs 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 Tower-Based WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the Tower-Based WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the Tower-Based WCF or against the owner of the property upon which the Tower-Based WCF is located.
  - c. Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations, and the Township must approve all replacements of portions of a Tower-Based WCF previously removed.
19. **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 WCF.
20. **FCC License.** The owner or operator of a Tower-Based WCF shall submit a copy of his or her current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
21. **Reservation of Rights.** In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.
22. **Insurance.** The owner and operator of a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. The owner and operator of a Tower-Based WCF forty (40) feet or less in height shall provide the Township with 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 each Tower-Based WCF.
23. **Indemnification.** The owner and operator of a Tower-Based WCF shall, at his or her 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 Tower-Based WCF. The owner and operator of a Tower-Based WCF 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 Tower-Based WCF. 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, expert fees, court costs and all other costs of indemnification.

24. Financial Security. Prior to permit issuance for a Tower-Based WCF, the owner and operator of a Tower-Based WCF shall provide to the Township financial security deemed by the Township to be sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.
- B. The following additional regulations shall apply to Tower-Based WCFs located outside Rights-of-Way:
1. Development Regulations.
    - a. Tower-Based WCFs located outside Rights-of-Way shall be permitted in the following zoning districts only:
      - i. C – Commercial District;
      - ii. SC – Shopping Center; and,
      - iii. LI – Limited Industrial District.
    - b. Tower-Based WCFs shall not be located within fifty (50) feet of any underground utility, with the exception of water and sanitary sewer lines.
    - c. Sole Use on a Lot. A Tower-Based WCF may be permitted as the sole use on a lot, provided that the underlying lot is at least two acres. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal not less than 40% of the proposed Tower-Based WCF structure height.
  2. Design Regulations.
    - a. Tower-Based WCFs shall employ stealth technology in order to minimize aesthetic impact. The stealth technology utilized shall be approved of the Township.
    - b. To the extent permissible by law, height extensions to an existing Tower-Based WCF shall require, at a minimum, a Zoning Permit issued by the Township.
    - c. Tower-Based WCFs shall be designed structurally, electrically, and in all respects to accommodate co-locators.
    - d. Tower-Based WCFs forty (40) or more feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
  3. Surrounding Environs.
    - a. Existing vegetation, trees and shrubs located within three hundred (300) feet of Tower-Based WCFs shall be preserved to the maximum extent possible.

- b. A security fence constructed of wood or wood-like composite material, and having a minimum height of eight (8) feet, shall completely surround any Tower-Based WCF, guy wires, and Related Equipment for a Tower-Based WCF forty (40) feet or greater in height. The fence shall not be topped with barbed wire.
      - c. Landscaping. Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF and Related Equipment as possible. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Township, this approach achieves the same degree of screening.
  - 4. Access Road. An access road of at least twenty (20) feet in width, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the owner and operator of the Tower-Based WCF shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
  - 5. Parking. For each Tower-Based WCF forty (40) feet or greater in height, there shall be two (2) off-street parking spaces.
  - 6. Inspection. The Township reserves the right to inspect Tower-Based WCFs to ensure compliance with the provisions herein and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a Tower-Based WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- C. The following regulations shall apply to Tower-Based WCFs in Rights-of-Way:
- 1. Development Regulations.
    - a. Tower-Based WCFs forty (40) feet or greater in height are prohibited in Rights-of-Way.
    - b. Tower-Based WCFs less than forty (40) feet in height and located along the following corridors and roadways, regardless of the underlying zoning district:
      - i. Berks Road;
      - ii. Bethel Road;
      - iii. Germantown Pike;
      - iv. Morris Road;
      - v. North Wales Road;
      - vi. Skippack Pike;
      - vii. Township Line Road;
      - viii. Valley Forge Road; and,

- ix. Water Street Road.
  - c. Tower-Based WCFs shall not be situated in any Right-of-Way such that the Tower-Based WCF is directly between a residential dwelling unit and the roadway. However, Tower-Based WCFs may replace poles or other structures existing at the time of the adoption of these regulations, provided the Tower-Based WCF is of the same height, dimensions and location of the pole or other structure placed.
  - d. Tower-Based WCFs shall not be located within fifty (50) feet of any underground utility, with the exception of water and sewer lines.
- 2. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in Rights-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way, and related considerations, in the sole discretion of the Township.
- 3. Equipment Location. Tower-Based WCFs and Related 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 Rights-of-Way as determined by the Township. In addition:
  - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb.
  - b. Ground-mounted equipment that cannot be installed below ground 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 graffiti on Tower-Based WCFs and Related Equipment shall be removed at the sole expense of the owner within ten (10) business days of the date of notice from the Township of the existence of the graffiti.
  - e. All underground vaults shall be reviewed and approved by the Township.
- 4. Design Regulations.
  - a. Tower-Based WCFs shall employ the stealth technology in an effort to blend into the surrounding environment. The Stealth Technology utilized shall be subject to the approval of the Township.
  - b. To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township.

- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate co-locators.
5. 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-Based WCF in the Right-of-Way shall, at his or her own expense, temporarily or permanently remove, relocate, change or alter the position of any Tower-Based WCF when the Township determines that such removal, relocation, change or alteration is reasonably necessary to: construct, repair, maintain or install a Township or other public improvement in the Right-of-Way; conduct operations of the Township, or to conduct the operations of another government entity, in the Right-of-Way; vacate a roadway, or to establish or to release a utility or other easement; or, address an emergency as determined by the Township.
6. Reimbursement for Use of Rights-of-Way. In addition to fees as described herein, every Tower-Based WCF in a Right-of-Way may be assessed annually fee, payable to the Township, which fee shall constitute fair and reasonable compensation paid to the Township for the use of the Right-of-Way, as established by the Township and included on the Township Fee Schedule. Such fee shall reflect expenses incurred by the Township including, but not limited to, the costs to monitor, inspect and report on the Tower-Based WCFs and Related Equipment located in the Right-of-Way, and the enforcement of applicable regulations.
7. Any Tower-Based WCF located on property owned by Worcester Township shall be exempt from any requirement noted in this section.

### SECTION III - Miscellaneous provisions.

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
3. This Ordinance shall become effective immediately upon enactment.

**ENACTED AND ORDAINED** by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_  
Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_  
Tommy Ryan, Secretary