

TOWNSHIP OF LEET

ORDINANCE NO. 2022-01

A ZONING ORDINANCE OF THE TOWNSHIP OF LEET, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REGULATING THE PLACEMENT OF WIRELESS TELECOMMUNICATIONS DEVICES.

WHEREAS, the Board of Commissioners of the Township of Leet recognizes that the Township and its residents and visitors rely on wireless communications services for business and personal uses; and

WHEREAS, Township Board, 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 in compliance with all federal and state statutes and regulations, the Township wishes to replace its current telecommunications ordinance found in Chapter 277 of the Township's Code of Ordinances;

NOW, THEREFORE, IT IS ORDAINED and ENACTED by the Board of the Township of Leet, Allegheny County as follows:

Section 1. Purpose and Legislative Intent

- A. Purpose. The purpose of this subsection is to establish updated uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities ("WTF") in Leet 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 subsection, 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 communications 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 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.

Section 2. Definitions and Word Usage

- A. For purposes of this Chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely a directory.
- B. As used in this Chapter, the following terms shall have the meanings indicated:
 - (1) ACCESSORY FACILITY OR STRUCTURE - An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment storage sheds or cabinets.

- (2) ADJACENT STRUCTURES - For Small Wireless Communications Facilities, any similarly-situated infrastructure within 250 (two hundred fifty) foot radius that is of the same design, construction, or use as the proposed structure. Adjacent Structures may include, but are not limited to, utility poles and street light poles. The height of an Adjacent Structure is the vertical distance measured from the ground level to the highest point on a structure, not including antennae mounted on the tower and any other appurtenances.
- (3) 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) 01' 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 citizens band radio antennas.
- (4) APPLICANT - Any person Submitting an application to the Township of Leet for a special use permit for wireless telecommunications facilities.
- (5) APPLICATION The form approved by the Board of Commissioners, together with all necessary and appropriate documentation that an applicant submits in order to receive a special use permit for wireless telecommunications facilities.
- (6) TOWNSHIP - The Township of Leet, Pennsylvania.
- (7) CO-LOCATION - The use of the same telecommunications tower or structure to carry two or more antennas for the provision of wireless services by two or more persons or entities.
- (8) COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE - Shall have the meaning in this Chapter and any special use permit granted hereunder as is defined and applied under the Pennsylvania Uniform Commercial Code (UCC).
- (9) COMMERCIALLY REASONABLE - Means terms and pricing that are reasonably consistent with similar wireless communications facility leases and agreements within a twenty-five (25) mile radius of the Municipality.
- (10) COMMONWEALTH - The Commonwealth of Pennsylvania.
- (11) COMPLETED APPLICATION - An application that contains all information and/or data necessary to enable the Board of Commissioners to evaluate the merits of the application and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the Township in the context of the

- permitted land use for the particular location requested.
- (12) BOARD OF COMMISSIONERS The Township Board of Commissioners of the Township of Leet.
 - (13) DIRECT-TO HOME SATELLITE SERVICES or DIRECT BROADCAST SERVICE or DBS Only programming transmitted or broadcast by satellite directly to subscriber's premises without the use of ground receiving equipment, except at the subscribers' premises 01' in the uplink process to the satellite.
 - (14) EPA - State and/or Federal Environmental Protection Agency or its duly assigned successor agency.
 - (15) FAA - The Federal Aviation Administration or its duly designated and authorized successor agency.
 - (16) FCC - The Federal Communications Commission or its duly designated and authorized successor agency.
 - (17) FREESTANDING TOWER - A tower that is not supported by guy wires and ground anchors or other means of attached or external support.
 - (18) HEIGHT - When referring to a tower or structure, the distance measured from the preexisting ground level to the highest point on the tower or structure, even if said highest point is an antenna.
 - (19) NIER - Nonionizing electromagnetic radiation.
 - (20) PERSON - Any individual, corporation, estate, trust, partnership, joint-stock company, association of two or more persons having a joint common interest or any other entity.
 - (21) PERSONAL WIRELESS FACILITY See definition for "wireless telecommunications facilities.
 - (22) PERSONAL WIRELESS SERVICES or PWS or PERSONAL TELECOMMUNICATIONS SERVICE or PTS - Shall have the same meaning as defined and used in the 1996 Telecommunications Act.
 - (23) SECURITY FENCE - Fencing required through the ordinance shall provide appropriate security, be aesthetically pleasing and meet the approval of the Township or its designee.
 - (24) SPECIAL USE PERMIT - The official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the Township.
 - (25) STEALTH TECHNOLOGY - Camouflaging methods applied to wireless communications towers, antennas 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 antennas, building-mounted

antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.

- (26) TELECOMMUNICATIONS - The transmission and reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.
- (27) TELECOMMUNICATIONS SITE - Sec definition for "wireless telecommunications facilities."
- (28) TELECOMMUNICATIONS STRUCTURE - A structure used in the provision of services described in the definition of "wireless telecommunications facilities."
- (29) TEMPORARY - In relation to all aspects and components of this chapter, something intended to, or that does, exist for fewer than 90 days.
- (30) WIRELESS TELECOMMUNICATIONS FACILITIES or WTF or TELECOMMUNICATIONS TOWER or TELECOMMUNICATIONS SITE or PERSONAL WIRELESS FACILITY - A structure, facility or location designed, or intended to be used as, or used to support, antennas. It includes, without limit, freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology, including, but not limited to, structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended for transmitting and/or receiving antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services or microwave telecommunications, but excluding those used exclusively for the Township's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

Section 3. General requirements for all tower-based wireless communications facilities.

The following regulations shall apply to all tower-based wireless communications facilities:

- A. Standard of Care. Any tower-based 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 the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based 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.

B. Site Plan. An applicant for a Tower-Based WCF must submit a full site plan to the Leet Township Zoning Officer which shall include:

1. Written authorization from the property owner of the proposed Tower-Based WCF site
2. A site plan that is drawn to scale and shows the following features: property boundaries; any tower guy wire anchors and other apparatus; existing and proposed structures; scaled elevation view; access road(s) location and surface material; parking area; fences; location and content of (any or warning) signs; exterior lighting specifications; landscaping plan; land elevation contours; existing land uses surrounding the site; proposed transmission building and/or other accessory uses with details; elevations; and proposed use(s).
3. A written report including: information describing the tower height and design; a cross section of the structure; engineering specifications detailing construction of tower, base and guy wire anchorage; information describing the proposed painting and lighting schemes; information describing the tower's capacity, including the number and type of antennas that it can accommodate; radio frequency coverage including scatter plot analysis and the input parameters for the scatter plot analysis; all tower structure information to be certified by a registered Professional Engineer (P.E.) licensed by the Commonwealth of Pennsylvania; and wireless telecommunications data to be certified by an appropriate wireless telecommunication professional.
4. All other uses ancillary to the Tower-Based WCF and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the Tower-Based WCF site unless otherwise permitted in the zoning district in which the Tower-Based WCF site is located.

C. Permit Required. Any applicant proposing the construction of a new tower-based WTF, or the modification of an existing tower-based WTF, shall first obtain a permit from the Township zoning office. New construction and modifications shall be prohibited without a zoning permit.

- D. Wind. Any tower-based WTF 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-222-E Code, as amended).
- E. Height. Any tower-based WTF shall be designed at the minimum functional height. 11 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, which is not located in the public ROW, shall not exceed 130 feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed 15 feet in height.
- F. Related Equipment. Ground-mounted related equipment greater than three cubic feet, such as cabinets and accessory structures, shall not be located within 50 feet of a lot in residential use or zoned residential.
- G. Public Safety Communications. No tower-based WTF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- H. Maintenance. The following maintenance requirements shall apply:
1. Any tower-based WTF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 2. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 3. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- I. Radio Frequency Emissions. No tower-based 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.

- J. Historic Buildings or Districts. No tower-based 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 is included in the official historic structures and/or historic districts list maintained by the Township.
- K. Signs. All tower-based WTFs shall post a sign, no larger than four square feet, in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The sign shall be approved by Board of Commissioners before installation. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law. Signage shall include an electronic, electric, or illuminated signage.
- L. Lighting. A tower-based WTF shall not be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- M. Visual Impact. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
- N. Noise. Tower-based WTFs shall be operated and maintained so as not to produce noise in excess of 60 dBA, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- O. Aviation Safety. Tower-based WTFs shall comply with all federal and state laws and regulations, including all laws and guidance issued by the Federal Aviation Administration (FAA) concerning aviation safety.
- P. Retention of Experts. The Township may hire any consultants and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WTF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WTF shall reimburse the Township for all costs of the Township's consultant(s), including the Township Engineer, in providing expert evaluation and consultation in connection with these activities.
- Q. Timing of Approval. Within 30 calendar days of the date that an application for a tower based 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. All applications for tower-based WTFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WTF and the Township shall advise the applicant in writing of its 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 one-hundred-fifty-day review period.

- R. Nonconforming Uses. Nonconforming tower-based WTFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this article.
- S. 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:
1. All unused or abandoned tower-based WTFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.
 2. If the WTF and/or accessory facility is not removed within six 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.
 3. Any unused portions of tower-based WTFs, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WTF previously removed.
- T. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a tower-based WTF, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the tower-based WTF. Said financial security shall remain in place until the tower-based WTF is removed.
- U. 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 related inspection, monitoring and related costs.

- V. FCC License. Each person that owns or operates a tower-based WTF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- W. Insurance. Each person that owns or operates a tower-based WTF greater than 50 feet in height shall provide the Township with a certificate of insurance documenting 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 WTF. Each person that owns or operates a tower-based WTF 50 feet or less in height shall provide the Township with a certificate of insurance documenting 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 WTF.
- X. Indemnification. Each person that owns or operates a tower-based WTF shall, 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 tower-based WTF. Each person that owns or operates a tower-based 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 a tower based 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.
- Y. Engineer Certification. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

Section 4. Tower-based facilities outside rights-of-way.

The following regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:

A. Development Regulations:

1. Application required. Each applicant proposing the construction of a tower-based WTF outside the public rights-of-way shall complete and submit an application prior to beginning construction of such WTF. Such application shall be treated as an application for a special exceptio and shall be evaluated by the Township Zoning Hearing Board.
2. Developer's Agreement. A developer's agreement, as prepared by the Township Solicitor, shall be entered into between the Township and the Applicant. Applicant shall be responsible for all associated costs.
3. Location. No tower-based WTF shall be located in an area in which utilities are underground, except as permitted by this article.
 - i. The following regulations shall apply to tower-based WTFs greater than 50 feet in height shall only be permitted in the Industrial (I) Zoning District.
 11. WTFs 50 feet or shorter in height shall be permitted along roadways, streets, and other rights-of-way where utilities are aboveground.
4. Site Requirements. A tower-based WTF may be located in any districts as permitted in the zoning regulations, subject to all of the conditions listed in this article.
5. Gap in Coverage. An applicant for a tower-based WTF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators 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. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WTFs.
6. Prohibited as a Sole Use on a Lot. A tower-based WTF shall not be permitted as a sole use on a lot subject to the minimum lot area.
7. Combined With Another Use. A tower-based WTF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - ii. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.

- iii. Minimum lot area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WTF and guy wires, the equipment building, security fence, and buffer planting if the proposed WTF is greater than 50 feet in height.
 - iv. Minimum setbacks. The tower-based WTF and accompanying equipment building shall comply with the requirements for the applicable zoning district. The minimum setback shall be a distance that is at least equal to 1 1/2 times the height of the tower.
- B. Notice. Upon submission of an application for a tower-based WTF, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the Township.
- C. Co-location and Siting. An application for a new tower-based WTF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WTF cannot be accommodated on an existing or approved structure or building, or on Township property. Any application for approval of a tower based WTF shall include a comprehensive inventory of all existing towers 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.
- D. Zoning Preference. The preferable location for a new tower-based WTF is within the I zoning district. Any application seeking to place a new-tower based WTF in any other zoning district must demonstrate the reason such a location should be permitted and the demonstrated hardship if the permit were not granted for the proposed site.
- E. Design Regulations.
 - 1. The WTF 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.

2. Any height extensions to an existing tower-based WTF shall require prior approval of the Township. 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.
3. Any proposed tower-based WTF shall be designed structurally, electrically, and in all respects to accommodate both the WTF applicant's antennas and comparable antennas for future users.

F. Surrounding Environs.

1. The 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.
2. The 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.

G. Fence/Screen:

1. A security fence having a maximum height of eight feet shall completely surround any tower-based WTF greater than 50 feet in height, as well as guy wires, or any building housing WTF equipment.
2. A screen of evergreen trees planted eight feet on center, and staggered in two rows, shall be located along the perimeter of the security fence surrounding and tower-based WTF greater than 50 feet in height. Existing vegetation shall be preserved to the maximum extent possible.

H. Accessory Equipment.

1. 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.
2. All 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.

- I. Additional Antennas. As a condition of approval for all tower-based WTFs, the WTF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WTFs where technically and economically feasible. The owner of a tower-based WTF shall not install any additional antennas without obtaining the prior written approval of the Township.
- J. 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. Where applicable, the WTF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility. All sites shall have public access either through public rights-of-way or private rights-of-way secured for each site with access by the Township or its designated professionals.
- K. Parking. For each tower-based WTF greater than 50 feet in height, there shall be two off-street parking spaces, or one space per employee, whichever is greater.
- L. Bond. Prior to the issuance of a permit, the owner of a tower-based WTF outside the ROW 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 to be established by the Township Engineer to assure the faithful performance of the terms and conditions of this article. 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 article, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.
- M. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any tower-based WTF based upon visual and/or land use impact.
- N. Inspection. The Township reserves the right to inspect any tower-based WTF to ensure compliance with the provisions of this article 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 WTF is located at any time, upon reasonable notice to the operator, to ensure such compliance. Any cost

incurred by the Township for said inspections should be reimbursable by the applicant. All inspections shall be at the sole discretion of the Township.

Section 5. Tower-based facilities in rights-of-way.

The following regulations shall apply to tower-based wireless communications facilities located in the rights-of-way:

- A. Prohibited in underground utility areas. Tower-based WTFs shall only be permitted along roadways, streets, and other rights-of-way where utilities are aboveground.
- B. Gap in Coverage. An applicant for a tower-based WTF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators 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. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WTFs in the ROW.
- C. Notice. Upon submission of an application for a tower-based WTF, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the Township.
- D. Co-location and Siting. An application for a new tower-based WTF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WTF shall include a comprehensive inventory of all existing towers and other suitable structures within a one 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.
- E. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based 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.

F. Equipment Location. Tower-based 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:

1. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
2. 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.
3. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
4. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
5. Any underground vaults related to tower-based WTFs shall be reviewed and approved by the Township.
6. Any tower-based WTF shall be located at, or as close to as practicable to, the point where a side lot line intersects with a street right-of-way line.

G. Design Regulations.

1. The WTF 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.
2. Tower-based WTFs in the public ROW shall not exceed 50 feet in height.
3. 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 50 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.

4. Any proposed tower-based WTF shall be designed structurally, electrically, and in all respects to accommodate both the WTF applicant's antennas and comparable antennas for future users.
- H. Visual or land use impact. The Township reserves the right to deny the construction or placement of any tower-based WTF in the ROW based upon visual and/or land use impact.
- I. Additional Antennas. As a condition of approval for all tower-based WTFs in the ROW, the WTF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WTFs where technically and economically feasible. The owner of a tower-based WTF shall not install any additional antennas without obtaining the prior written approval of the Township.
- J. Relocation or removal of facilities. Within 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 tower-based 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 determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 1. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 2. The operations of the Township or other governmental entity in the right-of-way;
 3. Vacation of a street or road or the release of a utility easement; or
 4. An emergency as determined by the Township.
- K. Reimbursement for ROW use. In addition to permit fees as described in § 3(T) 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 tower-based WTF shall pay an annual fee to the Township to compensate the Township for the Township's 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 the Township Board and shall be based on the Township's actual ROW management costs as applied to such tower-based WTF.

- L. Bond. Prior to the issuance of a permit, the owner of a tower-based WTF in the ROW 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 to be determined by the Township Engineer to assure the faithful performance of the terms and conditions of this article. 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 article, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

Section 6. General requirements for all non-tower wireless communications facilities.

- A. The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:
 - 1. Permitted in all zones subject to applicable regulations. Non-tower WTFs are permitted in all zones subject to the restrictions and conditions set forth in the zoning ordinance and as prescribed below and subject to the prior written approval of the Township.
 - 2. Prohibited on certain structures. Non-tower WTFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.
 - 3. Use and occupancy permit required. Applicants proposing the modification of an existing tower-based WTF shall obtain a use and occupancy permit from the Township zoning office. In order to be considered for such permit, the applicant must submit a permit application to the Township zoning office.
 - 4. Standard of care. Any non-tower 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, and National Electrical Code. Any 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.

5. Related Equipment. Ground-mounted related equipment greater than three cubic feet shall not be located within 50 feet of a lot in residential use or zoned residential.
6. Wind. Any non-tower WTF 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-222-E Code, as amended).
7. Public Safety Communications. No non-tower WTF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
8. Aviation Safety. Non-tower WTFs shall comply with all federal and state laws and regulations concerning aviation safety.
9. Radio Frequency Emissions. No non-tower 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.
10. 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. A bond to cover the costs of removal, in a form to be approved by the Township Solicitor and for an amount to be determined by the Township Engineer, shall be placed with the Township. 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 two months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the WTF 01'. accessory facility is not removed within two 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 any bond held by the Township and against the owner of the WTF.
11. Timing of Approval. Within 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 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-day review period.
12. 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 or \$1,000, whichever is less as updated annually by the Township.
13. Insurance. Each person that owns or operates a non-tower WTF 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 the non-tower WTF.
14. Indemnification. Each person that owns or operates a non-tower WTF shall, 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 non-tower WTF. Each person

that owns or operates a non-tower WTF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, 01' property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower 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.

B. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:

1. Permitted in all zones subject to regulations. Non-tower WTFs are permitted in all zones subject to the restrictions and conditions set in the Township's Zoning Ordinance and as prescribed below and subject to the prior written approval of the Township.
2. Prohibited on certain structures. Non-tower WTFs shall not be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
3. Permit Required. Any applicant proposing the construction of a new non-tower WTF, or the modification of an existing non-tower WTF, shall first obtain a use and occupancy permit from the Township zoning office. New construction and modifications shall be prohibited without a zoning permit. After receipt of the use and occupancy permit application, the Township Zoning Officer shall determine whether zoning relief is necessary under the Township Code.
4. Standard of Care. Any non-tower 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, and National Electrical Code. Any 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.

5. Wind. Any non-tower WTF 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-222-E Code, as amended).
6. Public Safety Communications. No non-tower WTF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
7. Historic Buildings. No non-tower WTF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Township, 01' is located in the Village Preservation Residential District, or has been designated by the Township to be of historical significance.
8. Aviation Safety. Non-tower WTFs shall comply with all federal and state laws and regulations concerning aviation safety.
9. Maintenance. The following maintenance requirements shall apply:
 - a. The non-tower 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 Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Radio Frequency Emissions. No non-tower 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.

11. 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. A bond to cover the costs of removal, in a form to be approved by the Township 'Solicitor and for an amount to be determined by the Township Engineer, shall be placed with the Township. 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 two 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 two 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.
12. Timing of Approval. Within 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 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-day review period. Retention of experts. The Township may hire any consultant (s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WTF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WTF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
13. 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 \$35,000 to assure the faithful performance of the terms and conditions of this article. 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 article, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

14. 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.

Section 7. Non-tower wireless facilities outside rights-of-way.

The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

- A. Development Regulations. Non-tower WTFs shall be co-located on existing structures, such as existing buildings or tower-based WTFs subject to the following conditions:

1. Such WTF does not exceed the lesser of a total maximum height of 50 feet from the existing ground elevation or the maximum height permitted in the underlying zoning district. If the planned non-tower **WTF** exceeds this height specification, the WTF applicant shall obtain a height variance.
2. If the WTF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
3. An eight-foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

- B. Design Regulations.

1. 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.

2. Non-tower WTFs, which are mounted to a building or similar structure, may not exceed a height of 10 feet above the roof or parapet, whichever is higher, unless the WTF applicant obtains a special exception.
 3. The total height of any support structure and mounted WTF shall not exceed the maximum height permitted in the underlying zoning district.
 4. 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.
 5. Antennas, 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.
 6. Non-commercial usage exemption. Township citizens utilizing satellite dishes and antennas for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the design regulations enumerated in this article.
- C. Removal, replacement, modification.
1. 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 antennas.
 2. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
- D. Visual or land use impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WTF based upon visual and/or land use impact.
- E. Inspection. The Township reserves the right to inspect any WTF to ensure compliance with the provisions of this article 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 WTF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 8. Non-tower wireless facilities in rights-of-way.

The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way:

- A. Co-location. Non-tower WTFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
- B. Design Requirements.
 - 1. 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 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.
 - 2. Antennas 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.
- C. Reimbursement 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 the Township Board and shall be based on the Township's actual ROW management costs as applied to such non-tower WTF.
- D. 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.

- E. 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:
1. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb or within an easement extending onto a privately owned lot;
 2. 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.
 3. Required electrical meter cabinets shall be screened to blend with the surrounding area to the satisfaction of the Township.
 4. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
 5. Any underground vaults related to non-tower WTFs shall be reviewed and approved by the Township.
- F. Relocation or removal of facilities. Within 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 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:
1. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 2. The operations of the Township or other governmental entity in the right-of-way;
 3. Vacation of a street or road or the release of a utility easement; or
 4. An emergency as determined by the Township.

- G. 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.

Section 9. Small Cell Antenna Aesthetic Standard.

- A. This Chapter applies to all small cell antenna applications for placement of new small cell antenna on Township-owned and privately-owned poles in the public right-of-way.
- B. Leet Township desires to promote safe, cleanly organized and aesthetically acceptable facilities using the smallest and least intrusive means. available to provide wireless services to the community. All wireless facilities in the public right-of-way must comply with all applicable provisions in this section. If any other law, regulation or code requires any more restrictive structural design and/or construction requirements, the most restrictive requirement will control.
- C. Pole-Mounted Equipment Cages/Shrouds. When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within a equipment shroud not to exceed eleven (11 ft³) cubic feet in total volume. The equipment must be installed no lower than fifteen (15') feet above ground level. The equipment shroud must be non-reflective and painted, wrapped or otherwise colored to match the existing pole. It is preferred that equipment shrouds be mounted flush to the pole, subject to the pole owner's approval. Standoff mounts are permitted for the equipment shroud, but may not exceed six (6") inches and must include metal flaps (or "wings") to conceal the space between the shroud and the pole.
- D. Ground-Mounted Equipment. Ground-mounted equipment is allowed when placed in conjunction with a new stealth pole and concealed in a ground mounted cabinet. The maximum acceptable dimension of ground-mounted cabinet will be thirty (30") inches wide by thirty (30") inches deep by four (4") feet high and must be square in shape. Ground mounted cabinets must be installed flush to the ground. Ground mounted equipment on sidewalks must not interfere with the flow of pedestrian traffic and must conform to the American's with Disabilities Act (ADA) in regards to appropriate sidewalk spacing.
- E. Concealment. Leet Township requires the applicant to incorporate concealment elements into the proposed design. Concealment will include approved camouflage or shrouding techniques.

F. General Location Criteria/Obstructions. Any new pole and/or equipment and other improvements associated with a new pole or an existing pole must not obstruct any:

1. access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
2. access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop (including, without limitation, bus stops, streetcar stops, and bike shared stations);
3. access to above-ground or underground infrastructure owned for operated by any public or private utility agency;
4. access to any doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; and/or
5. access to existing parking slots;
6. To not impede pedestrian and vehicular traffic, such that new infrastructure is located with:
 - a. 5-foot pedestrian sight triangle at each residential driveway;
 - b. 10-foot pedestrian sight triangle at each driveway and alley;
 - c. 50 feet of corner sight triangles at intersections.
7. fire hydrant access;

G. Concealment Option3 for Placement on Existing Poles.

Pole Mounted Radio Shroud:

1. Radio Shroud shall be mounted no lower than fifteen (15') above ground level (AGL);
2. Radio shroud dimensions shall not exceed eleven (11 ft³) cubic feet;
3. Township preference is the the shroud be flush mounted to the pole; however, offset mount not to exceed six (6") inches is acceptable. If the offset mounting method is used, the offset must be concealed through the use of shrouding connecting the radio shroud to the pole;

4. Cabling entering and exiting the radio shroud must be adjacent to the pole;
5. Cabling traversing the pole shall be covered using minimum two (2") inches in diameter U-guard of steel or aluminum construction.
6. Color of shroud and mounting equipment shall be made to match the existing pole color.

H. Top Mounted Antenna Shroud.

1. Antenna shall be mounted at the top of the pole and shall not increase the height of the pole by more than five (5') feet;.
2. Diameter of the shroud shall not exceed twenty-four (24") inches;
3. Mounting hardware shall be concealed by the inclusion of a tapered concealment shroud connecting the base of the radio shroud to the pole;
4. Cabling traversing the pole shall be covered using minimum two (2") inches in diameter U-guard of steel or aluminum construction;
5. Color of shroud and mounting equipment shall be made to match the existing pole color.

Section 10. Penalties and violations applicable to all wireless facilities.

- A. Penalties. Any person violating any provision of this article shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this article and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this article.
- B. Determination of Violation. In the event a determination is made that a person has violated any provision of this article, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it

cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this article and/or federal and/or Pennsylvania law and regulations.

Section 11. Police Powers.

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

Section 12. Severability.

The provisions of this Ordinance shall be severable and, should any provisions hereof be held invalid or unenforceable, the remaining provisions shall remain in full force and effect.

- A. All ordinances or portions of Ordinances which conflict with any of the provisions of this Ordinance repealed to the extent of such inconsistency,
- B. The provisions of this Ordinance shall take effect immediately upon being recorded in the Township Ordinance Book.

THIS ORDINANCE adopted by the Commissioners of Leet Township at a duly assembled public meeting held on this 14th day of November 2022

LEET TOWNSHIP

/s/Betsy Rengers
Manager/Secretary

/s/Martin C. McDaniel
President

APPROVED:

11/14/2022

Date

This Ordinance recorded **in** the Township Ordinance book at
Volume/Page _____, on _____, 2022, by undersigned.