

**ORDINANCE NO. 98-3**

AN ORDINANCE OF THE TOWNSHIP OF CONEWAGO, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING THE CONEWAGO TOWNSHIP CODE OF ORDINANCES BY ADOPTING PROVISIONS ADDING, DELETING, AND MODIFYING EXISTING ZONING PROVISIONS RELATING TO PUBLIC UTILITY FACILITIES, COMMUNICATIONS, ANTENNAS, TOWERS, AND BUILDINGS.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania, that the Township of Conewago Code of Ordinances, adopted on January 6, 1997, by Ordinance No. 1997-1, is hereby amended as set forth hereinafter:

SECTION 1. Chapter 27, Part 2, §201, Definition of Terms, is hereby amended by deleting the following word and the definition therefor:

**PUBLIC GROUNDS**

SECTION 2. Chapter 27, Part 2, §201, Definition of Terms, is hereby amended by modifying the following word and the definition therefor:

**PUBLIC UTILITY FACILITIES:** Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

SECTION 3. Chapter 27, Part 2, §201, Definition of Terms, is hereby amended by adding the following words and definitions therefor:

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

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

**COMMUNICATIONS TOWER:** A Structure other than a Building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

**HEIGHT OF A COMMUNICATIONS TOWER:** The vertical distance measured from the ground level to the highest point on an Communications Tower, including antennas mounted on the tower.

**PUBLIC AREAS:** Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historical sites; schools and other public buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

**PUBLIC SEWER AND WATER:** Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

**PUBLIC UTILITY:** A closely regulated enterprise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

SECTION 4. Chapter 27, Part 4, §402, Permitted Uses, is hereby revised to restate Subsection D. and by adding a new Subsection S., to read as follows:

- D. Public utility service structures and facilities, Communications Antennas mounted on an existing Public Utility Transmission Tower, Buildings or other structure, including existing Communications Towers and Communications Equipment buildings.
- S. Communications Towers and Equipment buildings.

SECTION 5. Chapter 27, Part 5, §503, Conditional Uses, is hereby revised to add new Subsections G. and H., to read as follows:

- G. Communications Antennas mounted on an existing Public Utility Transmission Tower, Buildings or other structure, including existing Communications Towers and Communications Equipment buildings.
- H. Communications Towers and Equipment buildings.

SECTION 6. Chapter 27, Part 6, §603, Conditional Uses, is hereby revised to add new Subsections H. and I., to read as follows:

H. Communications Antennas mounted on an existing Public Utility Transmission tower, Buildings or other structure, including existing Communications Towers and Communications Equipment buildings.

I. Communications Towers and Equipment buildings.

SECTION 7. Chapter 27, Part 7, §703, Conditional Uses, is hereby revised to add new Subsections F. and G., to read as follows:

F. Communications Antennas mounted on an existing Public Utility Transmission Tower, Buildings or other structure, including existing Communications Towers and Communications Equipment buildings.

G. Communications Towers and Equipment buildings.

SECTION 8. Chapter 27, Part 8, §802, Permitted Uses, is hereby revised to restate Subsection Q and by adding a new Subsection Q. and AB., to read as follows:

Q. Public utility service structures and facilities, Communications Antennas mounted on an existing Public Utility Transmission Tower, Buildings or other structure, including existing Communications Towers and Communications Equipment buildings.

AB. Communications Towers and Equipment buildings.

SECTION 9. Chapter 27, Part 9, §902, Permitted Uses, is hereby revised to restate Subsection R. and by adding a new Subsection R. and W., to read as follows:

R. Public utility service structures and facilities, Communications Antennas mounted on an existing Public Utility Transmission Tower, Buildings or other structure, including existing Communications Towers and Communications Equipment buildings.

W. Communications Towers and Equipment buildings.

SECTION 10. Chapter 27, Part 10, by adding new Sections: §1016, Communications Antennas and Communications Buildings; § 1017, Communications Towers; § 1018, Co-Location of Facilities, to read as follows:

§ 1016. Communication Antennas and Communications Buildings.

A. General requirements

1. Building mounted Communications Antennas shall not be located on any residential structure.
2. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
3. Directional or panel Communications Antennas shall not exceed five (5) feet in height or width, with a minimum surface area of 15 square feet.
4. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other structure, considering wind and other loads associated with the antenna location.
5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township Engineer.
6. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.
7. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
8. Communications Antennas shall not cause radio frequency interference with other communications facilities located within Conewago Township.
9. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.
10. The owner and operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas, and shall

provide a copy of such license to the Township.

§ 1017. Communications Towers.

A. General requirements

1. The applicant shall be required to submit to the Township evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower in a Residential District. Applicants are required to prove need by:
  - (a) Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
    - (1) Planned equipment would exceed the structural capacity of the Communications Towers, buildings or structures, and existing Communications Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or
    - (2) Planned equipment will cause interference with other existing or planned for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or
    - (3) Existing or approved Communications Towers, buildings or structures do not have space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or
    - (4) Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.
2. All Communications Towers in Conewago Township shall be less than 200 feet in height. No signing or lighting shall be permitted on the Communications Towers except as required by the FCC or the FAA. Other lighting shall be permitted according to Chapter 27, Part 10, §1010 of the Code of Ordinances.
3. Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.

4. Communications Towers shall be no closer than one-thousand (1,000), such distance being measured as a horizontal distance from tower to tower.
5. The applicant for a Communications Tower must execute an agreement with Township, in a recorded instrument legally sufficient to the Township, reviewed by the Solicitor, requiring the removal of the Communications Tower within one (1) year after Communications Tower ceases to function as such. A bond of other acceptable form of security to guarantee the removal of the structure shall be submitted and accepted by the Township. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.

(a) Responsibility of Owner and Occupant of Premises for Removal:

No person, firm, corporation owning or occupying any property within Conewago Township shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.

(b) Notice to Conform: Conewago Township is hereby authorized, and directed to give notice by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.

(c) Violations and Penalties. In case any person, firm or corporation shall neglect, fail refuse to comply with said notice within the period of time stated therein, Conewago Township may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Conewago Township from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit

6. A security fence and gate, of approved design by the Township Engineer, of not less than eight (8) feet, including barbed wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
7. The applicant shall submit a landscaping plan. Landscaping requirements shall be as follows:
  - (a) Chapter 27, Part 5, § 1005 of this ordinance. This requirement may be waived by the Township if there is existing acceptable vegetation along the property lines.
  - (b) Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in Chapter 27, Part 10, §1005 of this ordinance
8. A minimum of one (1) parking space shall be required. Spaces shall meet requirements Chapter 27, Part 10, § 1304 of the Conewago Township Code of Ordinances. Parking spaces may be surfaced with a durable and dustless gravel surface and must be approved by the Township Engineer.
9. Access shall be provided to the Communications Tower and Communications Building by means of a public street or easement of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet.
10. Internal access to the Communications Tower shall be provided by a minimum ten (10) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum be surfaced with a durable and dustless gravel.
11. Communications Towers shall be fully automated and unattended on a daily basis. The shall be visited only for periodic maintenance.
12. The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
13. Guy wires, if utilized, may not be anchored in any setback area of the host zoning district. Guy wires shall not cross or encroach any overhead telephone or electric power lines.

14. The applicant shall have control over any land on which the tower is to be erected. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the solicitor.
15. The applicant shall submit a copy of its current Federal Communications Commission license the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
16. No Communications Tower shall be located closer than five hundred (500) feet from existing structure, playground, ballfield or other area used for active recreation within a municipal park or school or residential structure.
17. No more than ten thousand (10,000) square feet of clear-cutting of wooded areas shall be allowed for the site area of the Communications Tower.
18. The applicant shall submit copies of the structural and foundation drawings and calculations to the Township. All plans, calculations, and specifications shall be signed and sealed by a Professional Engineer registered in the Commonwealth of Pennsylvania and shall comply with applicable industry standards.

B. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Residential Districts.

In addition to the conditions stated in Paragraph A, the following conditions shall also apply:

1. Setbacks shall be no less than one hundred fifty (150) feet from adjacent property lines and public road right-of-way lines or the height of the tower which ever is greater. Such distance shall be in a straight line from the Communications Tower to the appropriate line.

C. Additional Conditions Applicable to Communications Towers and Equipment Buildings located in Agriculture, Commercial and Wholesale-Manufacturing Districts.

In addition to the conditions stated in Paragraph A, the following conditions shall also apply:

1. Setbacks shall be no less than one hundred fifty (150) feet from adjacent

property lines and public road right-of-way lines or the height of the tower which ever is greater. Such distance shall be in a straight line from the Communications Tower to the appropriate line.

§ 1018 Co-Location of Facilities.

A. General Requirements

1. The applicant for the Co-Location of Facilities shall be required to submit a Building Permit application for approval.
  - (a) Data required with the application shall be as stipulated in Chapter 27, Part 10, §1001.11 of the Code of Ordinances.

ENACTED AND ORDAINED into law this 9<sup>th</sup> day of December 1998, to become effective five (5) days from the date hereof.

BOARD OF SUPERVISORS  
TOWNSHIP OF CONEWAGO  
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:  
Donna K. Spittle, Secretary

By: Jerry Kling, Jr., Chairman

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