

Rec. 11/9/00

**LIBERTY TOWNSHIP
SUSQUEHANNA COUNTY**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
AMENDMENT FOR COMMUNICATION STRUCTURES**

ORDINANCE NO. 22

Section 813. COMMUNICATIONS STRUCTURES

813.01 Special Definitions

ANTENNA - A device used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single pole known as whips.

TELECOMMUNICATIONS FACILITY - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly preempted the Township from regulating.

TELECOMMUNICATIONS EQUIPMENT BUILDING - The building in which the electronic receiving and relay equipment for a telecommunications is housed.

TOWER - A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures.

813.02 Design and Location Standards

The following design and location standards shall apply to all telecommunications facilities:

1. The location of the tower and equipment building shall comply with all natural resource protection standards of this Ordinance.
2. An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence and existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. The Township Planning Commission may waive all screening requirements if the site is entirely wooded.
3. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
4. The tower and antennae shall be designed and constructed to all applicable standards of the American National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand wind gusts of up to 100 miles per hour.

5. A soil report prepared by a Professional Engineer shall be submitted to the Planning Commission to support the design specifications of the foundation tower, and anchors for guy wires, if used.
6. An antenna may not be located on a building or structure that is listed on a historic register or within five hundred (500) feet of such a structure.
7. Telecommunications facilities shall be permitted as a sole use on any lot subject to the following land development standards:

A. Minimum Lot Size	Five acres
B. Minimum Setback Requirement	Two hundred feet (all sides)
C. Maximum Height -- Tower	Two hundred feet
-- Equipment Building	Thirty feet

Provided no residences directly adjoin the site, minimum setback requirements may be reduced to the fall-down limit plus fifteen (15) feet, where the net effect of requiring the full setback would be to necessitate additional lighting, or tower height. Maximum height requirements may be exceeded, provided such height can be demonstrated to be necessary and the additional height is matched with an equal amount of additional setbacks on all sides.

8. A telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:
 - A. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - B. Development standards. The minimum lot area, minimum set backs and maximum height required above shall apply, provided the land remaining for accommodation of the principal use on the lot shall also continue to comply with the minimum lot area requirement.
 - C. Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
9. Where an antenna for a telecommunications facility is to be attached to an existing structure or building it shall be subject to the following land development standards:
 - A. Maximum height. Fifty (50) feet above the existing building or structure.
 - B. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with otherwise applicable minimum setback requirements, an eight (8) foot height security fence shall surround the building, a buffer yard shall be planted as required above and vehicular access to the building shall not interfere with the parking or vehicular circulations on the site for the principal use.

- C. Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.

10. Notwithstanding minimum setbacks provided above, any tower shall be set back from all property lines a distance that is at least equal to the height of the tower. The tower shall also be set back from any active recreation facilities or fields a distance that is at least equal to the height of the tower.

813.03

Plan Review Criteria

Telecommunications facilities shall be subject to all the ordinary review criteria applicable to Land Developments in general plus the following:

1. The applicant shall demonstrate that the tower for the telecommunications facility is the minimum height necessary for the service area.
2. The applicant shall present documentation that the tower is designed in accordance with the standards of this Ordinance for telecommunications towers.
3. The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.
4. The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements.
5. The applicant shall demonstrate that the telecommunication facility must be located where it is proposed in order to serve the applicant's service area.
6. Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
7. Freestanding pole-type communications structures shall be given preference over towers supported by guy wires.
8. All communications structures shall be lighted for safety in a manner consistent with industry best practices.
9. All property owners and adjacent municipalities within five hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail prior to the Planning Commission making a recommendation on an application for land development approval for such a structure. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.

10. Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of the removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
11. An applicant for approval of a communications structure land development shall include with the application evidence of written contract with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.

813.04

A. Conflict

This Ordinance amendment is not intended to interfere with, abrogate, or annul any other Ordinance rule or regulations, statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other Ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. Severability

The provisions of this Ordinance are severable. If any provision, sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such constitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Township of Liberty that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section had not been included herein.

C. Enactment

This Ordinance is hereby enacted this 2nd date of November, 2000, by the Board of Supervisors of Liberty Township to be effective immediately.

Signed

William J. Bayez Jr.
Theodore J. Plunk
Ronald Allert

ATTEST: Linda A. Rockwell