

ORDINANCE NO. 28

COMMUNICATION TOWERS

WHEREAS, the Thompson Township Board of Supervisors has determined there is a need to set forth requirements governing the construction of communication towers in Thompson Township;

NOW Therefore, the Thompson Township Board of Supervisors do hereby enact the following ordinance:

1. Any new construction of communication towers in Thompson Township shall be subject to the requirements defined in the Susquehanna County, Pennsylvania SUBDIVISION and LAND DEVELOPMENT ORDINANCE, as amended Effective Date February 1, 1998, ARTICLE VIII: Exceptions to Standard Subdivision Procedures, Section 810., Communication Towers, (copy attached hereto), WITH THE FOLLOWING MODIFICATIONS:

- A. Replace Paragraph 810.03, Site Standards, Subparagraph 2. With the following:

"The tower shall be set back from adjacent property lines and existing buildings a minimum of twenty-five hundred (2,500) feet, EXCLUDING the distance equal to the maximum collapsible fall zone for the proposed tower as specified by a registered engineer responsible for designing the proposed tower."

- B. Replace Paragraph 810.05, Abandonment of Use, Subparagraphs 1. and 2., with the following:

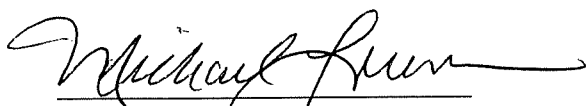
- i. With the application for a permit to build a communications tower the communications company is required to submit bids from three (3) qualified sources that contain the cost to dismantle and remove the tower; AND, provide a certified check in the amount equal to or greater than the lowest bid; such funds, including any accrued interest to be retained in an escrow account to be used for dismantling and removing the tower when it is no longer actively used by the owner and/or operator.


- ii. In the event any tower ceases to be used as a communication facility, the owner and/or operator of the tower or the 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. The funds identified in Section 810.05, subparagraph 1., above, being held in escrow shall be applied to the cost of dismantling and removing the tower. In addition, the

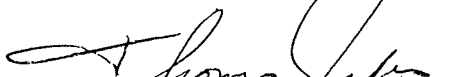
township may file a lien against the land to recover any additional cost of removal and attorney's fees.

2. The communication company must obtain approval from the Thompson Township Board of Supervisors prior to commencing work on the construction of the requested tower. A fee of five hundred dollars (\$500.00) must be submitted with the application. Applications can be obtained from the Thompson Township Secretary-Treasurer.
3. Any communication tower constructed that is not in accordance with the requirements of this ordinance shall be removed immediately. The failure of any owner and/or operator to remove any non-conforming structure shall subject the owner/operator to enforcement of this ordinance by whatever means are deemed lawful and shall further subject the owner/operator to costs to remove the structure.
4. Any person, company or organization found to be in violation shall be subject to a fine of \$500 and will be required to bring the communication tower in compliance with the requirements of this ordinance at their own expense, or remove the tower in accordance with the provisions of this ordinance, at the discretion of the Thompson Township Board of Supervisors.
5. This ordinance shall be effective immediately upon signing into law by the Thompson Township Board of Supervisors
6. If any Section of this ordinance shall be found to be invalid, the other sections of the ordinance shall not be affected thereby.

Adopted April 1, 2002
Thompson Township Board of Supervisors


Michael Greene


Ardith Callender


Thomas Jenkins

Subdivision and Land Development Ordinance, Susquehanna County, Pennsylvania
As Amended, Effective Date February 1, 1998.

Section 810. COMMUNICATION TOWERS

810.01 General Standards - Site plans for all Communications towers and Antenna shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with Articles III and IV of these Regulations.

810.02 Location of Towers and/or Antenna

1. The communications company shall be required to demonstrate, using technological evidence, that the tower or antenna must be located where it is proposed in order to satisfy its function in the company's grid system or coverage diagrams.
2. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure) the communications company shall provide written evidence demonstrating that co-location with another tower is not technically possible, and that the owners of tall structures within the proposed coverage area have been contacted, and permission was denied, along with the reasons given for denial, other than economic reasons
3. Every effort shall be made to locate the tower below the ridge line of mountains and hills while still preserving the site's usefulness.
4. The applicant shall submit a copy of the lease or other documentation evidencing that the owner of the property, or in the case of co-location, the owner of the tower, approved the siting of the tower, antenna, and other supporting equipment, and the access provided to the site.
5. The tower shall be subject to any applicable Federal Aviation Administration, Pennsylvania Bureau of Aviation, and airport zoning regulations.

810.03 Site Standards

1. Minimum Lot Area - the minimum lot area shall be the area needed to accommodate the tower, guy wires (if used), the equipment building, security fence, parking area, and buffer planting if required.
2. The tower shall be set-back from adjacent property lines and existing buildings a distance equal to the maximum collapsible fall zone for the proposed tower as specified by a registered engineer responsible for designing the proposed tower, plus 15 feet.

3. Access - The vehicular access to the tower site shall, wherever, feasible, use the existing access currently available on the property. A minimum twenty foot easement or right of way for access shall be provided to the tower which is adequate to accommodate maintenance and emergency vehicles.
4. A six (6) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building. The gate shall be locked at all times when not attended.
5. All lighting, except as required by the FAA or other regulating agencies, shall be shielded and reflected away from adjoining properties.
6. Communication towers shall be painted in such a way to minimize the visual impact on the surrounding landscape.

310.04

General Design

1. The applicant shall submit evidence that the tower and it's method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the American National Standards Institute (ANSI), as amended, and other federal, state and local building regulations and accepted industry standards.
2. In order to reduce the number of antenna support structures needed in a community in the future, any proposed new support structure shall be required to accommodate other users, including other communications companies and local fire, police, ambulance and emergency service providers.

310.05

Abandonment of Use

1. In the event any tower ceases to be used as a communication facility, the owner and/or operator of the tower or the 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. Failing to do so the County may cause the same to be removed and charge the cost to the removal to the foregoing parties.
2. In addition, the County may file a municipal lien against the land to recover the cost of removal and attorney's fees.