

**TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 851

WIRELESS COMMUNICATION FACILITIES

**AN ORDINANCE AMENDING CHAPTER 310, ZONING, TO ESTABLISH
GENERAL AND SPECIFIC REGULATIONS FOR WIRELESS
COMMUNICATIONS FACILITIES.**

BE IT RESOLVED AND ORDAINED, by the Council of the Township of Hampton, Allegheny County, Pennsylvania, and the authority of the same, does hereby adopt, made this 28th day of Sept., 2022, by amending the Code of the Township of Hampton, Pennsylvania, with the amendment of Chapter 310, as follows:

SECTION I. AMENDMENT OF DEFINITIONS.

Section 310-11 “Definitions” of the Hampton Township Zoning Ordinance is hereby amended by deleting the definitions of “Co-location,” “Distributed Antenna System (DAS),” “Monopole,” “Related Equipment,” “Stealth Technology,” “Substantially Change,” and “Tower Site” and adding the following definitions:

- A. *Accessory Equipment* — Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
- B. *Collocated Wireless Communications Facility (Collocated WCF)* — Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new or replacement wireless support structure.
- C. *Collocation* — The mounting of one or more WCFs, including antennas, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
- D. *Communications Equipment Building* — An unmanned building or cabinet containing communications equipment required for the operation of wireless communications facilities.
- E. *Eligible Facilities Request* – Any request for modification of an existing WCF that does not substantially change the physical dimensions of such WCF, involving:
 - (i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

F. *Equipment Compound*—An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

G. *FAA*—Federal Aviation Administration.

H. *Modification or Modify*—The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

I. *Replacement of a Wireless Communications Facility (Replacement of a WCF)* — The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

J. *Small Wireless Communications Facility (Small WCF)* — A wireless communications facility that meets the following qualifications:

(a) Each Antenna associated with the wireless communications facility is no more than three cubic feet in volume.

(b) The volume of all other equipment associated with the wireless communications facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet.

K. *Stealth Technology* — Camouflaging methods applied to wireless communications facilities and accessory equipment 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.

- L. *Substantially Change or Substantial Change* – A modification substantially changes the physical dimensions of a support structure if it meets the criteria established by 47 CFR §1.6100.
- M. *Technically Feasible* – By virtue of engineering or spectrum usage, the proposed placement for a wireless communications facility or its design or site location can be implemented without a material reduction in the functionality of the wireless communications facility.
- N. *Utility Pole* — A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

SECTION II. AMENDMENT OF WIRELESS COMMUNICATIONS FACILITIES PROVISIONS.

The Hampton Township Zoning Ordinance is hereby amended by repealing Sections 310-78A(37) and 310-78A(38) in their entirety. The Hampton Township Zoning Ordinance is further amended by adding a new Section 310-75.2, entitled and provided for as follows:

Section 310-75.2: Wireless Communications Facilities

- (a) Purpose. The purpose of these provisions is to establish standards for the permitting, siting, design, construction, maintenance, and operation of wireless communications facilities in Hampton Township. While the Township recognizes the importance of wireless communications 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. By enacting this ordinance, the Township intends to:
 - [1] Provide for the managed development of wireless communications facilities in a manner that allows for the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.
 - [2] Establish procedures for the permitting, design, siting, construction, maintenance, operation and removal of wireless communications facilities in the Township, including wireless communications facilities both inside and outside the public rights-of-way.
 - [3] Address new wireless technologies, including but not limited to, small cells, distributed antenna systems, data collection units, and other wireless communications facilities.
 - [4] Encourage applicants to collocate their wireless communications facilities on existing wireless support structures and other tall structures.

- [5] Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities on existing towers.
 - [6] Promote the health, safety and welfare of the Township's resident.
 - [7] Address recent changes in federal and state law governing local regulations of wireless communications facilities.
- (b) General requirements for all Wireless Communications Facilities. The following regulations shall apply to all Wireless Communications Facilities located within the Township:
- [1] Noncommercial 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 requirements of this Section 310-75.2.
 - [2] Standard of care.
 - [a] Any All WCFs 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 WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the Township.
 - [b] If such standards or regulations are changed, the owner of the WCF shall bring such WCF into compliance with the revised standards within six (6) months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for revocation of the applicable permits and removal of the WCF at the owner's expense.
 - [3] Engineer inspection. Any information of an engineering nature that is submitted by the WCF Applicant, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - [4] Eligible Facilities Requests. WCF Applicants proposing a modification to an existing WCF that constitutes an Eligible Facilities Request shall be required only to obtain a building permit from the Township Zoning Officer. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township Zoning Officer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed modification constitutes an Eligible Facilities Request

pursuant to the requirements of 47 CFR §1.6100. The permit application shall clearly detail all dimensional changes being made to the WCF and Wireless Support Structure.

- [5] Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice 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/TIA-222, as amended), or to the industry standard applicable to the structure.
- [6] Aviation safety. WCFs shall comply with all applicable federal and state laws and regulations concerning aviation safety.
- [7] Public safety communications. No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- [8] Signs. All WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC or any other federal or state agency.
- [9] Radio frequency emissions. No WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The WCF Applicant shall submit proof of compliance with all applicable standards relating to radio frequency emissions as part of any complete WCF application.
- [10] Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only as permitted by the Township.
- [11] Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any WCF.
- [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 WCF.
- [13] 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 a Collocated WCF or Tower-Based WCF at its sole discretion and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF

provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

[14] Abandonment; Removal. In the event that use of a WCF is 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. A WCF not operated for a period of six (6) months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:

[a] All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township, unless a time extension is approved by the Township.

[b] If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or Accessory Equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF regardless of the owner's or operator's intent to operate the WCF in the future.

[c] Where there are two or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of six (6) months.

[15] Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

[a] The WCF 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.

[16] Inspection. The Township and/or its third-party inspection company reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code or state or federal law.

[17] Duration of permit. A permit for a WCF shall have a term of five (5) years. Such permit shall be renewed for an additional five (5) year term if the WCF Applicant is in compliance with the criteria set forth in this Section 310-75.2 and the WCF Applicant has obtained all necessary consent from the owner of the property upon which the WCF is located. The WCF

Applicant shall submit proof of such compliance with all requirements of this Section 310-75.2 prior to the expiration of any five (5) year term.

[18] Timing of Approval. The following table details the applicable timeframe of approval for each type of WCF application:

Type of WCF/Application	Notice of Incompleteness	Final Decision
Collocated WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	90 calendar days.
Eligible Facilities Request	30 calendar days from receipt of application; 10 calendar days from receipt of supplemental application for subsequent notices.	60 calendar days.
Small WCF (Collocated)	10 business days from receipt of initial or supplemental application.	60 calendar days.
Small WCF (New or Replacement Wireless Support Structure)	10 business days from receipt of initial or supplemental application.	90 calendar days.
Tower-Based WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 calendar days.

(c) Specific requirements for Collocated Wireless Communications Facilities. The following regulations shall apply to Collocated WCFs that do not meet the definition of a Small WCF:

[1] Location requirements. Collocated WCFs shall be permitted outside the public rights-of-way in all zoning districts as a permitted use.

[2] Application requirements. Applications for Collocated WCFs shall include the following:

[a] The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Small WCF.

[b] A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Collocated WCF, and a certification that the WCF Applicant has included all information required by the Township Code, signed by a representative of the WCF Applicant.

[c] Detailed construction and elevation drawings indicating how the Collocated WCF will be mounted on the building or structure.

- [d] The manufacturer and model, proposed location, and physical dimensions of each piece of equipment proposed as part of the Collocated WCF.
 - [e] An aerial photograph of the proposed site showing the area within 500 feet of the Collocated WCF. The aerial photograph shall identify all structures within such radius.
 - [f] Photo simulations depicting the Collocated WCF from at least two (2) locations near the proposed site. The photo simulations should clearly reflect the proposed design and location of all equipment associated with the Collocated WCF.
 - [g] 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 the loads associated with the location of the proposed Collocated WCF.
 - [h] A report by a qualified engineering expert which shows that the Collocated WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
 - [i] Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the Collocated WCF building can be accomplished.
 - [j] All application fees required by the Township as detailed in the Township fee schedule.
- [3] Development regulations.
- [a] Collocated WCFs shall not be located on single-family detached residences or single-family attached residences. Collocated WCFs greater than 10 feet in height shall be prohibited on residential accessory structures.
 - [b] The total height of any support structure and Collocated WCF shall not exceed the maximum height permitted in the underlying zoning district, unless the WCF Applicant obtains a variance.
 - [c] In residential districts, the height of a Collocated WCF shall not exceed 20 feet and shall not be located closer than 25 feet to any property line.
 - [d] No Collocated WCF shall be located within 250 feet of an existing dwelling in a residential district, i.e., RA, RB, RC, and RD Zoning Districts, with the exception of amateur radio antennas, or 500 feet of an existing school, hospital, or similar use, measured from the WCF to the nearest property line of such uses.
 - [e] If the WCF Applicant proposes to locate the Accessory Equipment in a ground-mounted Communications Equipment Building, the Communications Equipment

Building shall comply with the requirements for the applicable underlying zoning district.

[f] A security fence with a minimum height of eight (8) feet shall surround any separate ground-mounted 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.

[g] Collocated WCFs 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 WCF Applicant shall be subject to the approval of the Township.

[4] Removal, replacement, modification. The removal and replacement of Collocated WCFs and/or Accessory Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the dimensions of the underlying support structure. Any modification that constitutes a Substantial Change to a WCF shall require a prior amendment to the original permit or authorization.

[5] Historic buildings. No Collocated WCF may be located on a property that is listed on the National or Pennsylvania Registers of Historic Places.

(d) Specific requirements for Tower-Based Wireless Communications Facilities outside the rights-of-way. The following regulations shall apply to all Tower-Based Wireless Communications Facilities located outside the rights-of-way that do not meet the definition of a Small WCF:

[1] Location. Tower-Based WCFs may be located outside the rights-of-way as a conditional use in the following zoning districts, subject to the requirements of this Section 310-75.2:

- [a] CA Conservation A District
- [b] CB Conservation B District
- [c] HC Highway Commercial District
- [d] HI Heavy Industrial District
- [e] LI Light Industrial District
- [f] ORD Office Research and Development District
- [g] PRD Planned Residential District
- [h] RC Residential C District
- [i] RD Residential D District

[2] Application requirements. An application for a Tower-Based WCF shall include, at minimum, the following:

[a] The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Tower-Based WCF.

- [b] A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Collocated WCF, and a certification that the WCF Applicant has included all information required by the Township Code, signed by a representative of the WCF Applicant.
- [c] A site plan, drawn to scale, showing property boundaries, power location, total height of the Tower-Based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping and existing uses on adjacent properties.
- [d] The conditional use application shall include aerial photographs of the area within a ¼ mile radius of the proposed Tower-Based WCF and identify all existing WCFs and potential Collocation opportunities in that area.
- [e] Evidence to the reasonable satisfaction of Council that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such antennae installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.
- [f] Documentation showing that the owner of the property has granted an easement, if necessary, for the proposed WCF and that vehicular access will be provided to the facility, if the Tower-Based WCF is proposed for location on a property that is not owned by the WCF Applicant.
- [g] Documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
- [h] A written commitment that the WCF Applicant will allow other service providers to Collocate Antennas on Tower-Based WCFs where technically and economically feasible. No additional Antennas may be installed on a Tower-Based WCF without obtaining the prior written approval of the Township.
- [i] A report by a qualified engineering expert which shows that the Tower-Based WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
- [j] The conditional use application shall be accompanied by documentation that the proposed Tower-Based WCF complies with all applicable provisions set forth in the Township Code.

- [3] Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. Such notice shall be provided a minimum of ten (10) days in advance of such public hearing. The WCF Applicant shall provide proof of the notification to the Township.
- [4] Third-party property. Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to Council that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
- [5] Visual appearance. Tower-based WCFs shall employ Stealth Technology which may include the Wireless Support Structure be painted silver or another color approved by Council, or shall have a galvanized finish. All Communications Equipment Buildings and other Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
- [a] Township Council shall reserve the right to require that:
- [i] Wireless Support Structures be painted to match their surroundings (i.e., painted green up to the treeline); and
 - [ii] Accessory Equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
- [b] In making these determinations, Council shall consider whether its decision will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- [6] Collocation and siting. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the Antenna and Accessory Equipment planned for the proposed Tower-Based WCF cannot be Collocated on an existing or approved structure. Council may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing structure as set forth in this section. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings and towers within a 1/4 of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings and towers, and was denied for one of the following reasons:

- [a] The proposed Antenna and Accessory Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
- [b] The proposed Antenna and Accessory Equipment would cause radio frequency interference with other existing equipment for that existing building, structure or tower, and the interference cannot be prevented at a reasonable cost.
- [c] Such existing buildings, structures or towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- [d] A commercially reasonable agreement could not be reached with the owner of such building, structure or tower.

[7] Development regulations.

- [a] Tower-Based WCFs shall not be located in, or within 75 feet of, an area in which utilities are underground.
- [b] Tower-Based WCFs shall not be located within 250 feet of an existing dwelling in an RA or RB District.
- [c] If a Tower-Based WCF is greater than 150 feet in height, it shall not be located within 2,000 feet of another existing Tower-Based WCF that is greater than 150 feet in height, such distance being measured from property line to property line.
- [d] Sole use on a lot. A Tower-Based WCF shall be permitted only as a sole use on a lot, provided that the underlying lot is a minimum of one acre. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure height.

[8] Design regulations.

- [a] The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the other design requirements enumerated in this section, the application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
- [b] To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township.
- [c] Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennas for future users.

[d] The Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer, if such anti-climbing device is deemed necessary by Township Council.

[9] Surrounding environs.

[a] The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

[b] The WCF Applicant shall submit a soil report to the Township complying with the standards of "Appendix I: Geotechnical Investigations, ANSI/TIA-222," as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

[10] Fence/screen.

[a] A security fence with a minimum height of four feet and a maximum height of eight feet and containing only self-latching gates to limit accessibility by the general public, shall completely surround any Tower-Based WCF located outside the rights-of-way, as well as guy wires, or any Communications Equipment Building.

[b] The base of the Tower-Based WCF shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

[11] Permit required for modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF shall first obtain the applicable permit from the Township Department of Community Development, in accordance with the Township's permitting practices.

[12] Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WCF shall not exceed the maximum height of the underlying zoning district by more than 25 feet.

[13] Accessory equipment:

[a] Ground-mounted Accessory Equipment or Communications Equipment Buildings associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technology.

[b] All Communications Equipment 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.

- [14] Historic buildings or districts. No Tower-Based WCF may be located on a property that is listed on the National or Pennsylvania Registers of Historic Places.
 - [15] Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Manager.
 - [16] FCC license. Each person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address and emergency telephone number for the operator of the facility.
 - [17] Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is constructed.
- (e) Specific requirements for Small Wireless Communications Facilities. The following regulations shall apply to all Small Wireless Communications Facilities:

[1] Location requirements.

- [a] Small WCFs located in the rights-of-way and Collocated Small WCFs outside the rights-of-way shall be a permitted use in all Township zoning districts, subject to the requirements of this Section 310-75.2 and generally applicable permitting as required by the Township Code.
- [b] Small WCFs requiring the installation of a new Wireless Support Structure and located outside the rights-of-way shall be a permitted use in the following zoning districts, subject to the requirements of this Section 310-75.2 and generally applicable permitting as required by the Township Code:
 - [i] CA Conservation A District
 - [ii] CB Conservation B District
 - [iii] HC Highway Commercial District
 - [iv] HI Heavy Industrial District
 - [v] LI Light Industrial District
 - [vi] ORD Office Research and Development District
 - [vii] PRD Planned Residential District
 - [viii] RC Residential C District
 - [ix] RD Residential D District

[2] Application requirements.

[a] Applications for Small WCFs shall be submitted to the Township Zoning Officer.

[b] Applications for Small WCFs shall include the following:

[i] The name and contact information, including phone number, for both the WCF applicant and the owner of the proposed Small WCF.

[ii] A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Small WCF, and a certification that the WCF Applicant has included all information required by the Township Code, signed by a representative of the applicant.

[iii] A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Small WCF.

a. If the Small WCF is proposed for location on an existing or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.

b. If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.

[iv] The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Small WCF.

[v] An aerial photograph of the proposed site showing the area within 500 feet of the Small WCF. The aerial photograph shall identify all structures within such radius.

[vi] Photo simulations depicting the Small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Small WCF.

[vii] If the Small WCF will be located on a structure owned by a party other than the WCF Applicant, evidence showing that the owner of the structure has granted the WCF Applicant permission to attach the proposed Small WCF.

[viii] A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.

[ix] A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.

[x] All application fees required by the Township as detailed in the Township fee schedule.

[3] Denial; resubmission.

[a] If the Township denies an application for a Small WCF, the Township shall provide the WCF Applicant with written documentation of the basis for denial, including the specific provisions of the Township Code on which the denial was based, within five (5) business days of the denial.

[b] The WCF Applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review.

[4] Consolidated applications. A single WCF Applicant may not submit more than one consolidated or 20 single applications for collocated Small WCFs in a 30-day period. If the Township receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe under Section 310-75.2(b)[18] shall be extended by 15 days.

[5] Time, Place and Manner. Once approved, the Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

[6] Attachment to municipal structures. The Township shall allow the Collocation of Small WCFs to structures owned by the Township in accordance with the hierarchy detailed in this section. If the WCF Applicant is proposing the Collocation of a Small WCF on a lower priority structure, it shall be a condition to the approval of the application that the WCF Applicant provide evidence that Collocation on a higher priority structure or Wireless Support Structure owned by a third-party is not Technically Feasible. In order from most preferable to least preferable, the Township's Collocation preferences are as follows.

[a] Power poles;

[b] Traffic signage poles without traffic signals;

[c] Traffic signal poles;

- [d] Decorative light poles.
- [7] Obstruction. Small WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.
- [8] Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the owner within ten (10) calendar days of notification by the Township.
- [9] Design standards. All Small WCFs in the Township shall comply with the requirements of the Township *Small Wireless Communications Facility Design* Manual. A copy of such shall be kept on file at the Township Department of Community Development.
- [10] Obsolete equipment. As part of the construction, Modification or Replacement of a Small WCF, the WCF Applicant shall remove any obsolete or abandoned equipment from the Wireless Support Structure.
- [11] Relocation or Removal of Facilities. Within ninety (90) 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 Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF 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:
- [a] The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - [b] The operations of the Township or other governmental entity in the Right-of-Way;
 - [c] Vacation of a street or road or the release of a utility easement; or
 - [d] An emergency that constitutes a clear and immediate danger to the health, welfare, or safety of the public as determined by the Township.
- [12] Reimbursement for ROW use. In addition to permit fees as described in this chapter, every Small WCF 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 Small WCF 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.

SECTION III. Miscellaneous

- A. 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.

- B. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

- C. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Council of the Township of Hampton.

ENACTED AND ORDAINED this 28th day of September , 2022.

ATTEST:

HAMPTON TOWNSHIP COUNCIL:



Township Manager



Council President

THE TOWNSHIP OF HAMPTON

**SMALL WIRELESS COMMUNICATIONS FACILITY
DESIGN MANUAL**

SECTION I. DEFINITIONS

The following terms are defined as follows:

1. *Accessory Equipment*—Any equipment serving or being used in conjunction with a wireless communications facility or utility pole, including but not limited to utility or transmission equipment, power supplies, generators, batteries, or cables.
2. *Antenna* – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
3. *Collocate* or *Collocation* – the mounting of one or more WCFs, including antennas, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
4. *Decorative Pole* – A pole, such as a decorative light pole or traffic signal pole, that is specially designed and placed for aesthetic purposes.
5. *Front Façade Area* – The area of the rights-of-way directly in front of a structure, identified by drawing a perpendicular line from each corner of structure to the rights-of-way.
6. *Prior Approved Design* – A design for a small WCF that has been reviewed and deemed to be in accordance with this *Small WCF Design Manual* and approved for construction by the Township.
7. *Rights-of-Way* - The area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property. The term does not include a Federal interstate highway.
8. *Small Wireless Communications Facility (Small WCF)* -- A wireless communications facility that meets the following qualifications:
 - (a) Each Antenna associated with the wireless communications facility is no more than three cubic feet in volume.
 - (b) The volume of all other equipment associated with the wireless communications facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet.

9. *Stealth Technology*—Camouflaging methods applied to wireless communications facilities and Accessory Equipment 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.
10. *Technically Feasible* -- By virtue of engineering or spectrum usage, the proposed placement for a Small WCF or its design or site location can be implemented without a material reduction in the functionality of the small WCF.
11. *Underground Area* – An area of the Township in which all utility installations are required to be installed underground on a non-discriminatory basis and have been required to be so placed by a date certain that is at least three months prior to the submission of the application for the proposed small WCF.
12. *Utility Pole* – A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not include utility poles or horizontal structures to which signal lights or other traffic control devices are attached.
13. *Wireless Communications Facility Applicant (WCF Applicant)* – Any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the rights-of-way or other Township-owned land or property.
14. *Wireless Support Structure* – A freestanding structure, such as a utility pole, that could support the placement or installation of a wireless communications facility if approved by the Township, regardless of whether such structure currently supports a WCF.

SECTION II. GENERAL STANDARDS FOR SMALL WIRELESS COMMUNICATIONS FACILITIES

1. All Small WCFs shall comply with the applicable requirements of Section 310-75.2 of the Township of Hampton Zoning Ordinance and this *Small WCF Design Manual*.
2. All Small WCFs shall be installed in and maintained in a workmanlike manner in compliance with the 2017 National Electric Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.

3. All Small WCFs shall comply with the Americans with Disabilities Act guidelines adopted by the Township and all applicable requirements relating to streets and sidewalks as established by Chapter 272 of the Township Code.
4. Small WCFs shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the Rights-Of-Way or obstruct the legal use of the Rights-Of-Way by the Township and public utilities.
5. Small WCFs located outside the Rights-Of-Way shall be set back a minimum distance equal to 100% of the total height of the Small WCF from any adjacent property line or residential structure.
6. All Small WCFs shall utilize Stealth Technology and shall be designed and constructed in an effort to minimize aesthetic impact.
7. No Small WCFs shall extend beyond the boundaries of the Rights-Of-Way unless approved on a case-by-case basis by the Township Zoning Officer. Such approval shall be contingent upon the provision of evidence by the WCF Applicant that the owner of the property and/or structure onto which the Small WCF extends has granted permission for the construction of the Small WCF.
8. All Small WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Communications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
9. If Collocation of a Small WCF on an existing Wireless Support Structure cannot be achieved, a Small WCF may be installed on a new or replacement Wireless Support Structure.
10. If a Small WCF is proposed for location in a historic district or on a historic building, the Township may require additional design or concealment measures to the extent such design or concealment measures are Technically Feasible. Such design or concealment measures shall be tailored to the proposed location of the Small WCF.

SECTION III. ANTENNA AND ACCESSORY EQUIPMENT STANDARDS

1. Antenna Standards

- a. Any Antenna associated with a Small WCF shall not exceed three (3) cubic feet in volume.
- b. The Collocation of a Small WCF on an existing Wireless Support Structure shall not extend more than five (5) feet above the existing Wireless Support Structure.
- c. All pole-top Antennas shall be flush-mounted as closely to the top of the structure to which they are attached as Technically Feasible.
- d. All Antennas shall be of a design, style, and color that matches the structure upon which they are attached.
- e. Any necessary pole-top extension shall be of the minimum height necessary to achieve necessary separation from the existing pole attachments.
- f. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances from the pole and existing pole attachments.
- g. If mounted on an existing structure, no Antenna shall impair any function of said structure.
- h. Antenna placement shall not materially impair light, air, or views from adjacent windows.
- i. Any proposed Small WCF shall employ the most current standards available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

2. Accessory Equipment Standards

- a. Accessory Equipment shall not exceed twenty-eight (28) cubic feet in volume. Equipment utilized solely for the minimization or mitigation of the aesthetic impact of the Small WCF shall not be included in the Accessory Equipment volume calculation.
- b. In no case shall ground-mounted Accessory Equipment be located within 18 inches of the face of the curb.

- c. Accessory Equipment shall be mounted flush to the side of the Wireless Support Structure, or as near flush to the side of the Wireless Support Structure as Technically Feasible.
- d. Accessory Equipment shall be mounted so as to provide a minimum of eight (8) feet vertical clearance from ground level.
- e. Accessory Equipment shall be of a color that reasonably matches the Wireless Support Structure upon which such Accessory Equipment is mounted.
- f. All Accessory Equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions Technically Feasible. Electric utility equipment, such as an emergency shutoff, shall be permitted to be located outside of such equipment shroud or cabinet if necessary for access by the utility.
- g. All Small WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency. All signage associated with a Small WCF shall be approved by the Township Zoning Officer.
- h. Accessory Equipment placement shall not materially impair light, air, or views from adjacent windows. To the extent Technically Feasible, all Accessory Equipment shall be placed facing away from adjacent windows.
- i. No Accessory Equipment shall feature any lighting, including flashing indicator lights, unless required by state or federal law.

3. Wiring Standards

- a. The only wiring permitted to be installed as part of a Small WCF is that which is immediately necessary to the operation of the Small WCF.
- b. Exposed wiring is prohibited on any Small WCF.
- c. Transmission, fiber, power cables and any other wiring shall be contained within any Wireless Support Structure for which such concealment is Technically Feasible. If wiring cannot be contained within the Wireless Support Structure, all

wiring shall be contained within conduit or U-guard that is flush-mounted to the Wireless Support Structure.

- d. All wiring shall be installed without excessive slack or extra cable storage on the Wireless Support Structure.
- e. Any conduit or U-guard shall be of a color that matches the Wireless Support Structure to which the Small WCF is attached.
- f. Loops of extra wiring shall not be attached to any Wireless Support Structure.

SECTION IV. WIRELESS SUPPORT STRUCTURE STANDARDS

1. Replacement Wireless Support Structures

- a. Replacement Wireless Support Structures shall be permitted only upon a showing by the WCF Applicant that Collocation on an existing Wireless Support Structure is not Technically Feasible.
- b. The maximum height of any Small WCF requiring a replacement Wireless Support Structure, as measured from ground level to the highest point on the WCF, shall be fifty (50) feet above ground level. The WCF Applicant shall submit documentation to the Township justifying the total height of the proposed Wireless Support Structure.
- c. Any replacement Wireless Support Structure shall be of comparable materials and design to the existing Wireless Support Structure being replaced.
- d. Any replacement Wireless Support Structure shall be placed within a three (3) foot radius of the existing Wireless Support Structure being replaced.
- e. Any replacement Wireless Support Structure shall be designed to accommodate all uses that existed on the Wireless Support Structure being replaced.
- f. As part of an application for a Small WCF, the WCF Applicant shall provide documentation from a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the replacement Wireless Support Structure, Small WCF, and prior existing uses shall be structurally sound.
- g. Any replacement Wireless Support Structure shall not deviate from the predominant pattern of existing Wireless Support Structures.

2. New Wireless Support Structures

- a. New Wireless Support Structures shall be permitted only upon a showing by the WCF Applicant that Collocation on an existing Wireless Support Structure or replacement of an existing Wireless Support Structure is not Technically Feasible.
- b. The maximum total height of any Small WCF requiring the installation of a new Wireless Support Structure, as measured from ground level to the highest point on the WCF, shall be fifty (50) feet above ground level. The WCF Applicant shall submit documentation to the Township justifying the total height of the proposed Wireless Support Structure.
- c. Any new Wireless Support Structure shall be installed in accordance with the predominant pattern of existing Wireless Support Structures.
- d. To the extent Technically Feasible, no new Wireless Support Structure shall be installed:
 - i. In an Underground Area;
 - ii. In the Front Façade Area of any residential building;
 - iii. Within ten (10) feet of the edge of any driveway;
 - iv. In the Rights-Of-Way directly opposite any driveway; or
 - v. In violation of the design standards contained herein.

3. Decorative Poles:

- a. No Small WCF shall be permitted on an existing Decorative Pole unless the WCF Applicant provides documentation showing that such Decorative Pole is the only Technically Feasible location for placement and that no suitable alternative sites exist.
- b. Decorative Poles shall be required:
 - i. For the replacement of any existing Decorative Pole;

- ii. In any historic district, as established by the Code of the Township of Hampton; and
 - iii. In any residential district.
- c. For any replacement Decorative Pole, the replacement Decorative Pole shall match the existing Decorative Pole in shape, design, color, and material.
 - d. Any replacement Decorative Pole shall maintain the primary function of the existing Decorative Pole being replaced, including but not limited to lighting, traffic signaling or control, or signage.

SECTION V. APPROVAL

1. The Township Zoning Officer shall determine whether a proposed Small WCF design complies with the requirements of this Design Manual.
2. Any requests for relief from the requirements of this Design Manual shall be considered on a case-by-case basis by the Township Zoning Officer and shall be approved upon a determination by the Township Zoning Officer that such relief is necessary to prevent the effective prohibition of wireless service pursuant to the rules of the Federal Communications Commission.

SECTION VI. PRIOR APPROVED DESIGNS

1. A record of Prior Approved Designs shall be kept on file at the Township Department of Community Development.

Small WCF Design Checklist

The information detailed in the following checklist shall be included with any application for a Small WCF:

Item	Description	Included in Application?	
		Yes	No
Cover Letter	<ul style="list-style-type: none"> The application shall include a cover letter detailing the location of the proposed site, all equipment being proposed, and a certification that the WF Applicant has included all information required by the Township Code. The cover letter shall include the name and contact information for the WCF Applicant and, if different, the owner of the proposed Small WCF. 		
Site Plan	<ul style="list-style-type: none"> Site plan shall show all proposed equipment associated with the Small WCF. The manufacturer and model, proposed location, and physical dimensions of each piece of equipment should be clearly shown. Before and after diagrams of the proposed site showing the dimensional changes shall be included. If the proposed Wireless Support Structure supports existing attachments, the site plan shall show the location and dimensions of all such attachments. If installation of a new or replacement Wireless Support Structure is being proposed, the site plan shall include the color, dimensions, material and type of Wireless Support Structure proposed. The site plan shall include an aerial photo showing the location of any existing structures within five hundred (500) feet of the proposed location, including but not limited to residential structures, commercial structures, light poles, traffic signals, traffic signage, and existing Wireless Support Structures. 		

<p>Photo Simulations</p>	<ul style="list-style-type: none"> • Before-and-after photo simulations shall depict the Small WCF from at least three locations near the proposed site. • The photo simulations should reflect the proposed design and location of all Accessory Equipment associated with the Small WCF. 		
<p>Engineer Certifications</p>	<ul style="list-style-type: none"> • A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety. • A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions. 		
<p>Paint</p>	<ul style="list-style-type: none"> • Accessory Equipment shall be painted a color that matches the Wireless Support Structure upon which such Accessory Equipment is mounted. • Application shall detail the proposed painting of any Accessory Equipment necessary to achieve aesthetic uniformity of the site. 		
<p>Wiring</p>	<ul style="list-style-type: none"> • All proposed wires associated with the Small WCF shall be clearly shown. • A depiction and description of the concealment methods to be utilized for the wiring shall be included. • No exposed wiring is permitted. 		
<p>Signage</p>	<ul style="list-style-type: none"> • Signage shall be posted in a readily visible location and identify the owner's permit number and the name and phone number of a party to contact in the event of an emergency. • If required, FCC-mandated signage is permitted. The WCF Applicant shall identify such signage in its application. 		

Certification of Compliance	<ul style="list-style-type: none">• A signed statement affirming the proposed WCF and WCF application's compliance with the applicable requirements of Section 310-75.2 of the Township Zoning Code and this <i>Small WCF Design Manual</i>.		
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