

CHADDS FORD TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE No. 159

AN ORDINANCE OF CHADDS FORD TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AMENDING THE CHADDS FORD TOWNSHIP ZONING ORDINANCES AS IT APPLIES TO WIRELESS FACILITIES BOTH OUTSIDE AND INSIDE OF THE PUBLIC RIGHT OF WAY TO COMPLY WITH THE FEDERAL COMMUNICATIONS COMMISSION'S ORDER ADOPTED SEPTEMBER 26, 2018

WHEREAS, the Chadds Ford Township Zoning Ordinance (the "Zoning Code") governs, *inter alia*, the placement of wireless facilities both within and outside of the public right of way;

WHEREAS, on September 26, 2018, the Federal Communications Commission adopted a Declaratory Ruling, Third Report and Order at WT Docket No. 17-79 and WC Docket No. 17-84, both entitled *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (the "Order");

WHEREAS, the Order, *inter alia*, set forth new time periods for municipal review with regard to certain wireless facilities;

WHEREAS, this Board of Supervisors desires to amend the Zoning Code to be consistent with the requirements of the Order.

NOW, THEREFORE, be it ORDAINED that:

1. Revision to Section 135-170 governing the time period of municipal review of wireless facilities outside of the public right of way. Existing subsection 135-170.F is hereby repealed in its entirety, to be replaced with a new 135-170.F which shall read as follows:

The Township shall comply with all federal timing requirements for the consideration of applications for new towers, collocated antennas and any other wireless facilities that fall under Section 6409(a) of the Spectrum Act, and/or any orders promulgated by the FCC or any other governing entity. When federal time frames conflict with those in the MPC, federal time frames shall prevail.

2. Revision to Section 135-170.1 governing the time period of municipal review of wireless facilities outside of the public right of way. Existing subsection 135-

170.1.C is hereby repealed in its entirety, to be replaced with a new 135-170.1.C which shall read as follows:

The Township shall comply with all federal timing requirements for the consideration of applications for new towers, collocated antennas and any other wireless facilities that fall under Section 6409(a) of the Spectrum Act, and/or any orders promulgated by the FCC or any other governing entity. When federal time frames conflict with those in the MPC, federal time frames shall prevail.

ENACTED and ORDAINED this 3rd day of April 2019.

CHADDS FORD TOWNSHIP
BOARD OF SUPERVISORS



Frank G. Murphy, Chairman



Samantha Reiner, Vice-Chair



Noelle M. Barbone, Supervisor

Township Secretary

