

**EAST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 04-2022

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST BRADFORD. SECTION 1 AMENDS CHAPTER 92 (“STREETS”), BY ADDING A NEW ARTICLE I ENTITLED “DEFINITIONS”, BY AMENDING AND RENUMBERING ARTICLE II ENTITLED “STREET OPENINGS AND INSTALLATIONS”, AND BY ADDING A NEW ARTICLE III ENTITLED “SMALL WIRELESS FACILITIES IN RIGHTS-OF-WAY”. SECTION 2 AMENDS CODE CHAPTER 115, ZONING, ARTICLE II, DEFINITIONS, BY AMENDING THE DEFINITIONS OF THE TERMS “PERSON” AND “SMALL WIRELESS FACILITIES (SWF)”, AND BY ADDING NEW DEFINITIONS FOR THE TERMS “GENERAL MUNICIPAL USE” AND “SMALL WIRELESS FACILITIES IN RIGHTS-OF-WAY”. SECTION 3 AMENDS ARTICLE XII, SUPPLEMENTAL LAND USE REGULATIONS, SECTION 115-51.1, WIRELESS COMMUNICATIONS FACILITIES, BY RE-LETTERING SUBSECTION “H” AS SUBSECTION “I”, AND BY ADDING A NEW SUBSECTION “H” ENTITLED “SMALL WIRELESS FACILITIES IN RIGHTS-OF-WAY. SECTION 4 AMENDS ARTICLE VIII, C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 115-28, USE REGULATIONS, BY ADDING A NEW PERMITTED USE; SECTION 5 AMENDS ARTICLE VIII, C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 115-31, DESIGN STANDARDS TO EXCEPT OUT MUNICIPAL USE.

AND NOW THEREFORE, this 1st day of November, 2022, the Board of Supervisors of the Township of East Bradford, Chester County, Pennsylvania hereby **ENACTS** and **ORDAINS** as follows:

SECTION 1. The Code of the Township of East Bradford (“Code”), Chapter 92, Streets, shall be replaced, in its entirety, with the following:

**ARTICLE I
Definitions**

Antenna. Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

Applicable Codes

- A. Uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons; and

- B. Local zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances that comply with the Act.

Applicant. A communications service provider that submits an application.

Application. A request submitted by an applicant:

- A. for a permit to Collocate Small Wireless Facilities; or
- B. to approve the installation, modification or replacement of a Utility Pole with Small Wireless Facilities attached.

Code. The Code of the Township of East Bradford.

Collocate. To install, mount, maintain, modify or replace Small Wireless Facilities on an existing Utility Pole or other Wireless Support Structure.

Communications Facility. A set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide a communications service.

Communications Service Provider.

- A. A cable operator as defined in section 602(4) of the Cable Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C. § 522(5));
- B. A provider of information service as defined in section 3(20) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 153(24));
- C. A telecommunications carrier as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. § 153(51)); or
- D. A wireless provider.

Day. A calendar day.

Emergency. A condition that:

- A. constitutes a clear and immediate danger to the health, welfare, or safety of the public, or
- B. has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the services provided.

FCC. The Federal Communications Commission of the United States.

Fee. A one-time charge.

Law. Federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

Micro Wireless Facility. A small wireless facility that:

- A. does not exceed two cubic feet in volume; and
- B. has an exterior antenna no longer than 11 inches.

Permit. A written authorization of general applicability required by the Township to perform an action or initiate, continue, or complete a project.

Person. An individual, corporation, limited liability company, partnership, public or private association, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity or organization whatsoever, which is recognized by law as the subject of rights and duties.

Rate. A recurring charge.

Rights-of-Way or ROW. The area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway, in the Township.

Small Wireless Facility. The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

- A. Each antenna associated with the deployment is no more than three cubic feet in volume;
- B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

Township. East Bradford Township, Chester County, Pennsylvania.

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.

Wireless Facility. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

- A. equipment associated with wireless communications; and
- B. radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is Collocated or the coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular Antenna.

Wireless Infrastructure Provider. A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in this Commonwealth that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but is not a wireless services provider.

Wireless Provider. A wireless infrastructure provider or a wireless services provider.

Wireless Services. Any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless Services Provider. A person who provides wireless services.

Wireless Support Structure. Wireless support structure shall have the same meaning given to it in the act of October 24, 2012 (P.L.1501, No.191), known as the Wireless Broadband Collocation Act.

ARTICLE II Street Openings and Installations

§ 92-1. Permit Required.

In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road; nor shall any railroad or street railway crossing, nor any gas pipe, water pipe, electric conduits or other piping, be laid upon or in; nor any drain, culvert, footpath, drive or driveway or other means of ingress or egress be graded, constructed, installed or erected onto or in; nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstruction be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purposes.

§ 92-2. Application for permit; fee.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation for highway occupancy permits and restoration charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

§ 92-3. Issuance of permit.

A permit shall be issued to applicant after all of the aforementioned requirements have been met.

§ 92-4. Notice of completion.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

§ 92-5. Inspection; correction of defects.

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost.

§ 92-6. Violations and penalties.

Any person or utility which shall violate or permit the violation of the provisions of this Chapter shall, upon being found liable therefor in a criminal enforcement proceeding, pay a fine of not more than \$1,000, nor less than \$25, together with court and reasonable attorneys' fees, and may be incarcerated for a period not exceeding 90 days. Such fine, costs, attorneys' fees and incarceration, after being reduced to a final, un-appealed judgment, shall be enforced by the Township pursuant to the applicable rules of criminal procedure. Each day of violation shall constitute a separate violation.

**ARTICLE III
Small Wireless Facilities in Rights-of-Way**

§92-7. Purpose and Scope.

- A. Purpose. The purpose of this Article is to establish policies, procedures, and fees for the placement of Small Wireless Facilities and associated Utility Poles in Rights-of-Way within the Township of East Bradford, in accordance with the Small Wireless Facilities Deployment Act, Act 50 of 2021 ("Act"), which provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Township's Rights-of-Way and the Township as a whole.

- B. Intent. In enacting this Article, the Township is establishing uniform standards to address issues presented by Small Wireless Facilities in Rights-of-Way, including, without limitation, to:
 - (1) limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places;
 - (2) limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - (3) limit interference with the facilities and operations of facilities lawfully located in Rights-of-Way or public property;
 - (4) limit environmental damage, including damage to trees;

- (5) respect the character of the neighborhoods and other areas in which facilities are installed; and
 - (6) facilitate rapid deployment of Small Wireless Facilities to provide the benefits of advanced Wireless Services to the Township and its residents.
- C. Zoning. Applications to Collocate a Small Wireless Facility in Rights-of-Way, or install or modify an associated Utility Pole in the Rights-of-Way shall be treated as a permitted use and exempt from zoning regulation review, except as provided for in § 115-51.1.H of Chapter 115. Any other Wireless Facilities not meeting the definition of a Small Wireless Facility in Rights-of-Way shall be subject to all applicable zoning requirements.

§ 92.8. Permitted Use; Application and Fees.

- A. Permit Required. No person shall place a Small Wireless Facility or associated Utility Pole in the ROW, without first filing an application and obtaining a permit therefore; except as may otherwise be provided in this Chapter.
- B. Application. All applications for permits filed pursuant to this Chapter shall be on a paper or electronic, form provided by the Township. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.
- C. Application Requirements. An application shall be made by the Wireless Provider or its duly authorized representative, and shall contain all of the following:
 - (1) The Wireless Provider’s name, address, telephone number, and e-mail address;
 - (2) The applicant’s name, address, telephone number, and e-mail address, if different than the Wireless Provider, and its interest in the work;
 - (3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - (4) A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
 - (5) A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the ROW, including any manholes or poles, the size, type, and depth of any conduit and/or enclosure.

- (6) An attestation that the Small Wireless Facilities will be fully constructed by a wireless services provider within one (1) year after the permit issuance date, unless the Township and applicant both agree to extend such period.
- (7) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.

D. An Application shall not be required to:

- (1) Collocate, maintain, and/or modify Small Wireless Facilities;
- (2) Replace existing Utility Poles for Collocation; or
- (3) Install new Utility Poles with attached Small Wireless Facilities.

E. An Application shall not be required to:

- (1) perform routine maintenance or repair work;
- (2) replace Small Wireless Facilities with Small Wireless Facilities that are substantially similar or the same size or smaller, and which still qualify as a Small Wireless Facility; or
- (3) install, place, maintain, operate or replace Micro Wireless Facilities that are strung on cables between existing Utility Poles by or for a Communication Service Provider authorized to occupy the Right-of-Way, in compliance with the National Electrical Safety Code.
- (4) However, the Township may require a permit, consistent with the procedures set forth herein, to perform work within Rights-of-Way for the three (3), above-listed activities if such activity involves excavation, closure of a sidewalk or closure of a vehicular lane.

F. Application Fees. All applications for permits shall be accompanied by a fee in the full amount as permitted by the Small Wireless Facilities Deployment Act.

G. Consolidated Applications.

- (1) An applicant may submit a consolidated Application for up to twenty (20) Small Wireless Facilities, if all the Small Wireless Facilities in the consolidated Application are substantially the same type.
- (2) If the Township denies the application for one (1) or more Small Wireless Facilities, or one (1) or more Small Wireless Facilities, in a consolidated application, the Township may not use the denial as a basis to delay the

application process of any other Small Wireless Facility in the same consolidated Application.

- (3) A single permit may be issued for siting and Collocating multiple Small Wireless Facilities spaced to provide wireless coverage in a contiguous area.

§ 92.9. Action on Permit Applications.

A. Review of Small Wireless Facility and Utility Pole Applications.

- (1) Within ten (10) days of receiving an initial application, the Township will determine and notify the applicant whether the application is materially complete. If an application is materially incomplete, as determined in the Township's sole discretion, the Township will specifically identify the missing documents or information, and the specific rule or regulation creating the obligation to submit such documents or information. The shot clock set forth in subsection (2) shall restart at zero on the date in which the applicant submits all the documents and information identified by the Township to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the Township notifies the applicant within ten (10) days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock set forth in subsection (2) shall be tolled until the applicant provides the missing documents and information. The shot clock resumes (the date calculation does not restart) to run on the date when the applicant submits all the documents and information identified by the Township to render the application complete.
- (2) All applications shall be considered in a nondiscriminatory basis, and the Township shall approve or deny an application for:
 - (a) collocation of Small Wireless Facility on an existing, permitted structure within sixty (60) days of receipt of the application, or
 - (b) within ninety (90) days for applications to deploy a Small Wireless Facility using a new, permitted structure.
- (3) An applicant and the Township may enter into a written agreement to toll the time periods set forth in Subsection (2).
- (4) If the Township fails to issue a decision on an application for a Small Wireless Facility within the required time periods set forth in Section 4(A)(2) of this Chapter, the application shall be deemed approved.
- (5) The Township may deny a proposed Collocation of a Small Wireless Facility or installation or modification of a Utility Pole only if the proposed application:

- (a) The Small Wireless Facility materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement.
 - (b) The Small Wireless Facility fails to comply with this Chapter, the applicable provisions of the Code, or the applicable provisions of Chapter 115.
 - (c) The Small Wireless Facility fails to comply with the requirements specified under the Pennsylvania Small Wireless Facilities Deployment Act.
 - (d) The applicant fails to submit a report by a qualified engineering expert which shows that the Small Wireless Facility will comply with all applicable FCC regulations.
 - (6) The Township shall document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the Township denies an application. The applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The Township shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial.
- B. Permit Scope and Effect. Installation, modification, or collocation for which a permit is granted pursuant to this section shall be completed within one (1) year after the permit issuance date unless the Township and the applicant agree to extend this period or a delay is caused by the lack of commercial power or Communications Facilities at the site. Approval of an application authorizes the applicant to:
- (1) Undertake the installation, modification, or collocation; and
 - (2) Subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the Small Wireless Facilities and any associated Utility Pole covered by the permit for a period of not less than five (5) years, which the Township must renew for equivalent durations so long as the facilities are in compliance with the criteria set forth in subsection 4(A)(3) and section 5 of this Chapter.
- C. Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in a ROW.

§ 92.10. Small Wireless Facilities in the ROW; Maximum Height; Other Requirements.

A. Technical Requirements. Small Wireless Facilities and Utility Poles installed to support Small Wireless Facilities in the ROW shall comply with the following requirements:

- (1) Height of new Small Wireless Facilities. New Small Wireless Facilities in the ROW may not extend more than fifty (50) feet above ground level.
- (2) Height of modified Utility Poles installed to support Small Wireless Facilities. Each modified Utility Pole installed in the ROW shall not exceed five (5) feet above the Utility Pole for modified poles.
- (3) Maximum Size. The Small Wireless Facility must conform to the size and height limitations as defined for a Small Wireless Facility in this Chapter.
- (4) Utility Poles. Utility Pole installations, modifications, and replacements relating to Small Wireless Facility Collocations shall be fabricated from material having a degree of strength capable of supporting the Small Wireless Facility, and shall be capable of withstanding wind forces and ice loads in accordance with applicable standards. A modification, installation, or replacement shall be securely bound in accordance with applicable engineering standards.
- (5) Color. To the extent technically feasible, Small Wireless Facilities shall be of a color that is consistent with or most blends into the structure on which they are installed, unless a different color, approved by the Township, is needed for public safety or service reliability reasons.
- (6) Wiring and Cabling. Wires and cables connecting the Antenna and appurtenances serving the Small Wireless Facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the Small Wireless Facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.
- (7) Guy Wires Restricted. Guy wires and similar support structures may not be used as part of the installation of any Small Wireless Facility, unless the Small Wireless Facility is proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date of the Small Wireless Facility application.
- (8) Grounding. The Small Wireless Facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code adopted by the Township regarding grounding of wireless facilities.

- (9) Signage. Other than the minimal size of warning or notification signs as required by federal law or regulations, or small identification and location markings, a Small Wireless Facility shall not have signs installed thereon.
 - (10) Access. Wireless Providers and their employees, agents, and contractors shall have the right of access to Utility Poles, Wireless Support Structures, and Small Wireless Facilities in the ROW at all times for purposes consistent with this Chapter.
- B. Other Requirements. A Wireless Provider that seeks to Collocate Small Wireless Facilities or install or modify a Utility Pole supporting Small Wireless Facilities shall be subject to the following requirements:
- (1) Small Wireless Facilities shall be located such that they do not interfere with public health or safety facility, such as, but not limited to, a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New Utility Poles and Small Wireless Facilities shall not be installed directly over any water, sewer, or reuse main or service line.
 - (2) Prior to attempting to Collocate Small Wireless Facilities on Utility Poles, Applicants shall explore and attempt to Collocate Small Wireless Facilities on Antennas.
 - (3) To the extent technically feasible, new Utility Poles installed to support Small Wireless Facilities shall be made of the same or similar material as existing poles in the immediate area.
 - (4) Any tree-disturbing activity necessary for the installation or Collocation of Small Wireless Facilities and Utility Poles installed to support them shall comply with any applicable provision of the Township Code and permitting requirements related to tree trimming and/or removal.
 - (5) Small Wireless Facilities and Utility Poles or Wireless Support Structures on which they are Collocated shall not be lighted or marked by artificial means, except when Small Wireless Facilities are Collocated on a light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.
 - (6) A Wireless Provider shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to the Township's streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines directly resulting from any activities performed in connection with the installation and/or maintenance of any wireless facility in the ROW. The Wireless Provider shall restore such areas, structures, and

systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.

- (7) Small Wireless Facilities shall blend in with the surrounding environment or be otherwise concealed to the extent practicable.
- (8) No Small Wireless Facility may bear any signs or advertising devices other than certifications, warnings, or other information as required by federal or state law and/or regulation or by the Township Code of Ordinances.

- C. **Waivers.** A Wireless Provider may seek a waiver of the requirements in this § 92.12, with the exception of height and size limitations, which may be granted by the Township Engineer, or such person's designee, upon good cause shown, as determined by the Township Engineer. Such waivers shall be considered in a nondiscriminatory manner.

§ 92.11. Removal, Relocation, or Modification of Small Wireless Facility in the ROW.

- A. **Notice.** Within ninety (90) days following written notice from the Township, Wireless Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change, or alter the position of any Small Wireless Facilities or Utility Pole for which it has a permit hereunder whenever the Township has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Township improvement in or upon, or the operations of the Township in or upon, the ROW. In such cases the Township shall reasonably work with the Wireless Provider to allow for continuity of service and use of an alternative location as needed.
- B. **Emergency Removal or Relocation of Facilities.** The Township retains the right to cut or move any Small Wireless Facilities or utility poles located within the ROW, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Township shall notify the Wireless Provider and provide it an opportunity to promptly move its Small Wireless Facilities or Utility Poles prior to cutting or removing them, and in all circumstances shall promptly notify the Wireless Provider after cutting or removing a Small Wireless Facility or Utility Pole.
- C. **Abandonment of Facilities.** The Township may require a wireless provider to remove an abandoned Small Wireless Facility or Utility Pole permitted hereunder within 180 days of abandonment. Should the Wireless Provider fail to timely remove the abandoned Small Wireless Facility or Utility Pole, the Township, upon providing 60 days' prior written notice to Provider, may remove the Small Wireless Facility or Utility Pole to be removed, and may recover the actual cost of such removal from the Wireless Provider. A Small Wireless Facility or Utility Pole shall be deemed abandoned at the earlier of the date that the Wireless Provider indicates in any way that it is abandoning the Small Wireless Facility or Utility Pole, or the date that is 180 days after the date that the Small Wireless Facility or Utility Pole ceases to be used, unless

the Wireless Provider gives the Township reasonable evidence that it is diligently working to place the Small Wireless Facility or Utility Pole back in service.

§ 92.12. Collocation on Township Poles.

Applications to Collocate Small Wireless Facilities on Township poles shall be processed under § 92.11 of this Article. Applications shall not be denied unless they fail to meet the requirements of § 92.11 and § 92.12, or unless there is insufficient capacity that cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the Township, to be reimbursed by the Wireless Provider.

§ 92.13. Right-of-Way Rates and Fees.

Each wireless provider shall pay the Township an annual right-of-way fee of \$270 per Small Wireless Facility and an annual right-of-way fee of \$270 per new Utility Pole with a Small Wireless Facility. The fee shall be subject to fee adjustments consistent with the Federal Communications Commission's adjustments. The fee may be increased by resolution of the Board of Supervisors consistent with the Act.

SECTION 2. The Code, Chapter 115, Zoning, Article II, Definitions, §115-6, Definitions and word usage, is amended by amending the definitions of the terms: "Person" and "Small Wireless Facilities (SWF)", and adding new definitions for the terms "General Municipal Use" and "Small Wireless Facilities in Rights-of Way" as follows:

Person. An individual, corporation, limited liability company, partnership, public or private association, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity or organization whatsoever, which is recognized by law as the subject of rights and duties.

Small Wireless Facilities (SWF).

- A. Wireless communication facilities (WCF) other than Small Wireless Facilities in Rights-of Way that meet each of the following conditions:
 - (1) The facilities:
 - (a) Are mounted on structures 50 feet or less in height, including their antennas; or
 - (b) Are mounted on structures no more than 10% taller than other adjacent structures; or
 - (c) Do not extend the existing structures on which they are located to a height more than 50 feet or by more than 10%, whichever is greater;
 - (2) Each Antenna associated with the deployment, excluding associated Antenna equipment, is no more than three (3) cubic feet in volume;
 - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the Antenna and any pre-existing

associated equipment with the structure, is no more than 28 cubic feet in volume;

- (4) The facilities do not require Antenna structure registration under law;
- (5) The facilities are not located on tribal land, as defined by law; and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of applicable safety standards.

B. SWFs may be tower based or non-tower based.

General Municipal Use. Any use of the Township, whether used exclusively by the Township or provided for the benefit of the general public. Such use shall include, but not be limited to, municipal campuses, municipal parks, municipal recreational facilities, Township uses.

Small Wireless Facilities in Rights-of-Way. The equipment and network components, including Antennas, transmitters and receivers, used by a Wireless Provider that meet the following qualifications:

- A. Each Antenna associated with deployment is no more than three (3) cubic feet in volume;
- B. The volume of all other equipment associated with the Wireless Facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the Small Wireless Facility shall not be included in the calculation of equipment volume under this paragraph.
- C. The activities of the Wireless Provider are only within the Rights-of-Way to deploy Small Wireless Facilities and associated new Utility Poles with Small Wireless Facilities attached.
- D. The deployment is otherwise subject to the Small Wireless Facilities Deployment Act, Act 50 of 2021.

SECTION 3. The Code, Chapter 115, Zoning, Article XII, Supplemental Land Use Regulations, §115-51.1, Wireless communications facilities, is amended by re-lettering subsection H as subsection I and adding a new subsection H to read as follows:

H. Small Wireless Facilities in Rights-of-Way.

- (1) Small wireless facilities in rights-of-way shall be permitted in all zoning districts, subject to the requirements of the Small Wireless Facilities Deployment Act, Act 50 of 2021, the applicable provisions of the Code, and the provisions of (2) below.

- (2) Small wireless facilities in rights-of-way exceeding the maximum permitted height of 50' above ground level or size limitations shall require variance relief under this Chapter.

SECTION 4. The Code, Chapter 115, Zoning, Article VIII, C-1, Neighborhood Commercial District, §115-28, Use Regulations, is amended by re-lettering subsection H as subsection I and adding a new subsection H to read as follows:

H. General Municipal Use.

SECTION 5. The Code, Chapter 115, Zoning, Article VIII, C-1, Neighborhood Commercial District, §115-31 Design Standards, is amended to read as follows:

The following design standards shall apply **to all uses except General Municipal Use:**

- A. Screening standards as established in § 115-52 of this chapter.
- B. Storage standards as established in § 115-53 of this chapter.
- C. Landscaping standards as established in § 115-45.1 of this chapter.
- D. Access and traffic control standards as established in § 115-55 of this chapter.
- E. Interior circulation standards as established in § 115-56 of this chapter.
- F. Lighting standards as established in § 115-57 of this chapter.
- G. Off-street parking as established in § 115-58 of this chapter.
- H. Off-street loading as established in § 115-59 of this chapter.
- I. Standards limiting emission of smoke, fumes, odors, etc., as established in § 115-60 of this chapter.

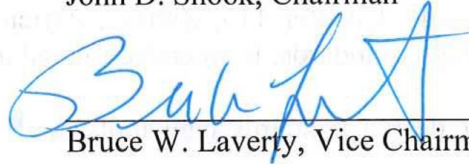
SECTION 6. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provision, sentences, clause, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of East Bradford Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 7. Effective Date. This Ordinance shall be effective five (5) days from the date of enactment.

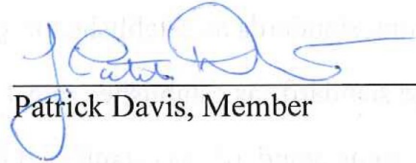
Enacted this 1st day of November, 2022.

**BOARD OF SUPERVISORS OF
EAST BRADFORD TOWNSHIP**

John D. Snook, Chairman




Bruce W. Lavery, Vice Chairman



Patrick Davis, Member

ATTEST:



Mandie Cantlin, Secretary