

**TOWNSHIP OF EPHRATA**

Lancaster County, Pennsylvania

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**ORDINANCE NO. 274**

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AN ORDINANCE OF THE TOWNSHIP OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA AMENDING THE ZONING ORDINANCE OF EPHRATA TOWNSHIP TO PROVIDE FOR CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF COMMUNICATIONS TOWERS, ANTENNAS AND EQUIPMENT, AND SETTING FORTH REGULATIONS GOVERNING SUCH FACILITIES.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, as follows:

**Section 1.    Removal and Amendment of Certain Definitions**

The Zoning Ordinance of Ephrata Township, enacted February 8, 2000, as amended (the "Zoning Ordinance"), Article X, Definitions, Section 1002, Terms, shall be amended by deleting the term, "Communications Equipment Building" and by revising the definitions of the terms, "Communications Antenna", "Communications Tower", and "Height of a Communications Tower" as follows:

Communications Antenna.    Wireless Communications Facilities located 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 Wireless Support Structure. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Communications Tower.    Any newly installed or replacement structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the associated Wireless Communications Facility.

Height of a Communications Tower.    The vertical distance measured from the ground level, including any base pad, to the highest point on a Communications Tower, including antennae and any other appurtenances mounted on the tower.

## **Section 2.     **Addition of Certain Definitions****

The Zoning Ordinance, Article X, Definitions, Section 1002, Terms, shall be amended by adding the following terms and corresponding definitions:

Accessory Equipment. Any equipment serving or being used in conjunction with a Wireless Communications Facility or Wireless Support Structure. The term "Accessory Equipment" includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Collocation. (1) The mounting or installing of a WCF on a pre-existing structure; and/or (2) modifying a structure for the purpose of mounting or installing a WCF on that structure.

Emergency. A condition that: (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public; or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

FCC. Federal Communications Commission, or any agency successor thereto.

Modification of an Existing Communications Tower or Modification of an Existing WCF, or Modification of an Existing Pole Facility. 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.

Monopole. A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support Communications Antennae and connecting appurtenances.

Pole Facility. Any newly installed wireless communications facility, located in a public or private right-of-way, that requires the installation of a new support structure consisting of a single utility pole installed for the primary purpose of supporting the WCF.

Small Wireless Communications Facility. A wireless communications facility that meets the following criteria:

- A. The structure on which antenna facilities are mounted:
  - 1. Is fifty (50) feet or less in height; or
  - 2. Is no more than ten percent (10%) taller than other adjacent structures;  
or

3. Is not extended to a height of more than fifty (50) feet or by more than ten percent (10%) above its preexisting height as a result of the collocation of new antenna facilities.
- B. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume.
  - C. All antenna equipment associated with the facility (excluding antennae) are cumulatively no more than twenty-eight (28) cubic feet in volume.
  - D. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by the Federal Communications Commission.

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 antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Substantially Change or Substantial Change. (1) Any increase in the height of a Wireless Support Structure by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than ten percent (10%) of its originally approved height or by the height of one additional antenna array.

WBCA. Pennsylvania Wireless Broadband Collocation Act, as amended and reenacted, 53 P.S. § 11702.1 *et seq.*

Wireless. Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Communications Facility (WCF). The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide Wireless data and telecommunications services. The term shall not include the Wireless Support Structure.

Wireless Communications Facility Applicant (WCF Applicant). Any person that applies for a Wireless Communications Facility building permit and/or zoning approval to install Wireless Communications Facilities and/or requests permission to use the public Right-

of-Way (ROW), or other Township owned land or property for Wireless Communications Facilities.

Wireless Support Structure. A structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, that could support the placement or installation of wireless telecommunications facilities if approved by the Township. The term wireless support structure shall not include the antenna(e) or accessory equipment.

**Section 3. Amendment to Section 624.**

The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and Other Selected Uses, Section 624, Communications Antennas, Towers and Equipment for Commercial Operations, is hereby deleted in its entirety and replaced with a new Section 624 as follows:

**Section 624 COMMUNICATIONS ANTENNAS, COMMUNICATIONS TOWERS AND ACCESSORY EQUIPMENT.**

- A. The following shall apply to all Communications Towers located outside of the public or private Rights-of-Way:
1. Communications Towers are permitted outside the public Rights-of-Way in the following zoning districts by special exception:
    - a. Agricultural (A) District.
    - b. Industrial (I) District.
    - c. Residential Low Density (RLD) District.
    - d. Commercial (C) District.
    - e. Mixed Use (C-2) District.
  2. The WCF Applicant must demonstrate that a significant gap in Wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in Wireless coverage.
  3. Any Communications Tower shall be set back from each property line a distance equal to its height, but in no circumstances less than fifty (50) feet from any property line or within five hundred (500) feet from any residential structure not located on the property upon which the Communications Tower is located. The setback shall also be applicable to guide wire anchors for the Communications Tower.

4. No Communications Tower shall be located within five hundred (500) feet of the property line of any public or private school or park.
5. All Communications Towers shall be completely enclosed by an eight-foot-high fence and self-locking gate.
6. The WCF Applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any Communications Tower onto adjoining properties and/or roads, and the wind-borne scattering of ice onto adjoining properties and/or roads.
7. Communications Towers shall be sited so as to separate them from adjacent farming activities and residential structures.
8. If the tract which is the subject of the application is located within the Agricultural (A) District, the WCF Applicant shall demonstrate that the proposed location on agricultural land is necessary for the efficient operation of the communication system, and that alternative locations outside of the Agricultural (A) District are not available.
9. The WCF Applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
10. Communications Antennas which are capable of transmitting signals shall not create electrical, electromagnetic, microwave or other interference off-site.
11. The WCF Applicant shall demonstrate that the Communications Tower is the minimum height required to function satisfactorily. The maximum total height of a Communications Tower shall not exceed one hundred fifty (150) feet, measured from average natural grade of the approved facility area to the top point of the Communications Tower or Communications Antenna, whichever is greater.
12. The WCF Applicant shall submit a plan for the removal of the Communications Tower when it becomes functionally obsolete or is no longer in use. The WCF Applicant shall be responsible for the removal of the WCF within three (3) months from the date the WCF Applicant ceases use of the WCF or the WCF becomes obsolete. Prior to receipt of a zoning permit, the WCF Applicant shall provide to the Township a performance bond in the amount of \$75,000.00 for the removal of the Communications Tower. Said performance bond shall remain in place until the Communications Tower is removed.
13. In order to reduce the number of Wireless Support Structures needed in the Township in the future, any proposed Support Structure shall be designed to accommodate other users including, but not limited to, commercial WCF, police, fire and emergency services.

14. The WCF Applicant shall obtain a building permit in accordance with the Uniform Construction Code as enacted by Ephrata Township Ordinance No. 198, as amended.
15. The installation of Communications Towers on existing structures will be permitted in the districts indicated under Subsection 1 hereof, and will not exceed ten (10) feet above the height of the existing structure.
16. Attachments to existing structures shall be designed by a certified engineer and must meet the approval of the Township.
17. The following landscaping shall be required to screen as much of the Wireless Support Structure as possible, the fence surrounding the Communications Tower; and any other ground level features (such as a building):
  - a. An evergreen screen shall be required to surround the site and shall be maintained by the owner of the Communications Tower. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity.
  - b. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
18. Within thirty (30) calendar days of the date that an application for a Communications Tower is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Communications Towers shall be acted upon within one hundred fifty (150) days of the receipt of an application for the approval of such Communications Tower and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the one hundred fifty (150) day review period shall not commence until the WCF Applicant provides such information as necessary to cause the application to be complete.
19. Each Person that owns or operates a Communications Tower greater than forty (40) feet in height shall provide the Township with a certificate of insurance naming the Township as an additional insured evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Communications Tower.
20. Each person that owns or operates a Communications Tower shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for

personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Tower. Each person that owns or operates a Communications Tower shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Communications Tower. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

21. Upon submission of an application for a Communications Tower outside the public Rights-of-Way and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within one thousand (1000) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township.

22. The Township reserves the right to waive any of the requirements of this Section 624.A.

B. The following shall apply to all Communications Antennas:

1. Communications Antennas are permitted in all zoning districts subject to the restrictions and conditions prescribed below and in Section 624.D and subject to applicable permitting by the Township.

2. No Communications Antenna shall be located within two hundred (200) feet of the property line of any public or private school or park unless permitted by the owner of the property containing a public or private school or park.

3. Communications Antennas shall be permitted to Collocate upon non-conforming Communications Tower and other non-conforming structures. Collocation of WCF upon existing Communications Tower is encouraged even if the Communications Tower is nonconforming as to use within a zoning district.

4. Any Communications Antenna shall be designed, constructed, operated, maintained, repaired, modified and removed 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 and the National Electrical Safety Code. All WCF's 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 any property in the Township.

5. Communications Antennas shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
6. In the event that use of a Communications Antenna is 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. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:
  - a. All abandoned or unused WCFs and Accessory Equipment shall be removed within sixty (60) days of the cessation of operations at the site unless a time extension is approved by the Township.
  - b. If the WCF or Accessory Equipment is not removed within sixty (60) 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.
7. Within sixty (60) days of receipt of a complete application for a new Communications Antenna that meets the definition of Small Wireless Communications Facility, the Township shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision. If the proposed Communications Antenna does not meet the definition of Small Wireless Facility, the Township shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision within ninety (90) days of receipt of the application.
8. Each person that owns or operates a Communications Antenna shall provide the Township with a certificate of insurance naming the Township as an additional insured evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.
9. Each person that owns or operates a Communications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Antenna. Each person that owns or operates a Communications Antenna shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Communications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to,



the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

10. The Township reserves the right to waive any of the requirements of this Section 624.B.

11. To the extent permitted by law, the following maintenance requirements shall apply:

- a. The Communications Antenna 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.

12. The following regulations shall apply to all collocated Communications Antennas that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached, and/or fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. WCF Applicants proposing the Modification of an existing Communications Tower shall obtain a building permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
- b. Ground-mounted Accessory Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.

13. The following regulations shall apply to all Communications Antennas that Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Residents utilizing satellite dishes, citizen and/or band radios, and antennas for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Section.
- b. No Communications Antennae shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.
- c. Any WCF Applicant proposing the construction of a new Communications Antenna, or the Modification of an existing Communications Antenna, shall first

obtain special exception approval from the Zoning Hearing Board. New constructions, Modifications of Existing Communications Antennae, and replacements that do fall under the WBCA shall not require special exception approval. The special exception application shall demonstrate that the proposed facility complies with all applicable provisions in the Ephrata Township Zoning Ordinance.

- d. Communications Antennas that meet the definition of a Small WCF are permitted by administrative approval from the Township Zoning Officer in all Township zoning districts, subject to the requirements of this Section, Section 624.B.13 and generally applicable permitting as required by the Township Code.
- e. New collocations, Modifications of existing Communications Antennas, and replacements that do not Substantially Change the underlying structure shall not require special exception approval and shall require only a building permit in accordance with generally applicable Township procedures.
- f. 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 the WCF 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.
- g. 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 Communications Antenna, as well as related inspection, monitoring and related costs.
- h. Communications Antennas shall be collocated on existing structures, such as existing buildings or Communications Towers, subject to the following conditions:
  - (1) The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district.
  - (2) In accordance with industry standards, all WCF Applicants proposing installation of a new Communications Antenna must submit documentation to the Township justifying the total height of the Communications Antenna. Such documentation shall be analyzed on an individual basis.

(3) If the WCF Applicant proposes to locate the Accessory Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

(4) A security fence of not less than six (6) feet and not more than eight (8) feet shall surround any separate 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.

i. Communications Antennas shall employ Stealth Technology and be treated to match the Wireless Support 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.

j. Removal, Replacement and Modification.

(1) The removal and replacement of Communications Antennas 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 overall size of the WCF or the number of Antennas.

(2) Any material Modification of an Existing WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization.

k. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

C. The following shall apply to all Pole Facilities within public or private street Rights-of-way.

1. Pole Facilities in the public or private Rights-of-Way shall be limited to Pole Facilities with a maximum height of forty (40) feet.

2. Pole Facilities are permitted within the public Rights-of-Way in the following zoning districts by special exception

a. Agricultural (A) District.

b. Commercial (C) District.

c. Mixed Use (C-2) District.

- d. Industrial (I) District.
  - e. Industrial-Institutional (I-2) District.
3. Pole Facilities are permitted within the private Rights-of-Way in all zoning districts by special exception subject to the approval of the owner of the private Rights-of-Way. Evidence that the WCF Applicant has obtained such approval shall be a requirement for special exception approval.
  4. No Pole Facility shall be located in the front façade of any structure.
  5. Pole Facilities or Accessory Equipment shall not be installed within a public street Right-of-Way where utility facilities serving lots abutting such street are located underground, unless the WCF Applicant provides evidence that no feasible alternative site exists for collocation and/or no available support structures exist.
  6. Pole Facilities or Accessory Equipment shall be permitted in private Rights-of-Way where utility facilities are located underground subject to the approval of the owner of the private Right-of-Way. Evidence of such approval shall be provided to the Township as part of the Applicant's special exception application.
  7. No Pole Facility shall be located within two hundred (200) feet of the property line of any public or private school or park unless permitted by the owner of the property containing such public or private school or park.
  8. An application for a new Pole Facility in a street Right-of-Way shall not be approved unless the Township finds that the proposed WCF cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Pole Facility shall include a comprehensive inventory of all existing pole facilities and other suitable structures within a one-mile radius from the point of the proposed pole facility, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
  9. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Pole Facilities in the public Rights-of-Way based on public safety, traffic management, physical burden on the public Rights-of-Way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  10. Pole Facilities and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the public Rights-of-Way as determined by the Township. In addition:

- a. In no case shall pole facilities, ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or three (3) feet from the edge of the asphalt on roads without curbing.
- b. Ground-mounted equipment that cannot be installed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within thirty (30) business days of notice of the existence of the graffiti.
- e. Any underground vaults related to Pole Facilities shall be reviewed and approved by the Township.
- f. All Pole Facilities and Accessory Equipment shall comply with any applicable requirements of the Americans with Disabilities Act (ADA).

11. Design Regulations.

- a. The Pole Facility and Communications Antenna shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
  - b. Any Substantial Change to an existing Pole Facility shall require prior approval of the Township.
  - c. Any proposed Pole Facility shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennas and comparable antennas or future users, including antennas for public safety needs by emergency responders.
12. The applicant shall allow and encourage other service providers to Collocate antennas on Pole Facilities where technically and economically feasible. The owner of a Pole Facility shall not install any additional antennas without obtaining the prior written approval of the Township.
13. Within sixty (60) 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 Pole Facility and/or Accessory Equipment in the public Rights-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Pole Facility and/or Accessory Equipment 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.
  - d. An Emergency as determined by the Township.
14. Upon submission of an application for a Pole Facility and the scheduling of the public hearing before the Zoning Hearing Board upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township along with the list of return receipts received.
15. Each Person that owns or operates a Pole Facility shall provide the Township with a certificate of insurance naming the Township as an additional insured evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Pole Facility.
16. Each person that owns or operates a Pole Facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Pole Facility . Each person that owns or operates a Pole Facility shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Pole Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
17. Within ninety (90) days of receipt of a complete application for a Pole Facility that meets the definition of Small Wireless Communications Facility, the Township shall

make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision. If the proposed Pole Facility does not meet the definition of Small Wireless Communications Facility, the Township shall make a final decision on whether to approve the application and shall notify the WCF Applicant within one hundred fifty (150) days of receipt of the application for the Pole Facility.

18. The Township reserves the right to waive any of the requirements of this Section 624.C.

D. In addition to the requirements of Section 624.B, the following shall apply to all Communications Antennas within public or private street Rights-of-Way:

1. Communications Antennas in the ROW shall be Collocated on existing Wireless Support Structures. If Collocation is not technologically feasible, the WCF Applicant shall locate its Communications Antenna on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township's approval.
2. Design Requirements:
  - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - b. Communications Antennas and Accessory Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Antenna in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
4. Communications Antennas and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - a. In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;

- b. Ground-mounted Accessory Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - d. Any graffiti on any Wireless Support Structures or any Accessory Equipment shall be removed at the sole expense of the owner.
  - e. Any proposed underground vault related to Communications Antennae shall be reviewed and approved by the Township.
  - f. Accessory equipment attached to the Wireless Support Structure shall have eighteen (18) feet of vertical clearance above finished grade.
5. Within sixty (60) 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 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 have determined 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 as determined by the Township.
6. Prior to receipt of a zoning permit, the WCF Applicant shall provide to the Township a performance bond in the amount of \$25,000.00 for the removal of the Communications Antenna. Said performance bond shall remain in place until the Communications Antenna is removed.
7. The Township reserves the right to waive any of the requirements of this Section 624.D.

E. Owners of any Wireless Communications Facilities regulated under this Section 624 shall immediately notify the Township in writing of any change in ownership.



**Section 4. 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.

**Section 5. Severability.**

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

**Section 6. Non-Impairment of Other Ordinances.**

Other than the amendments to the Ephrata Township Zoning Ordinance set forth herein, this Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances; provided, however, that where this Ordinance imposes a greater restriction than is imposed or required by such existing provisions of law or ordinance, the provisions of this Ordinance shall control.

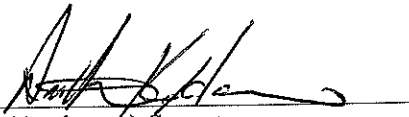
**Section 7. Effective Date.**

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Ephrata as provided by law.

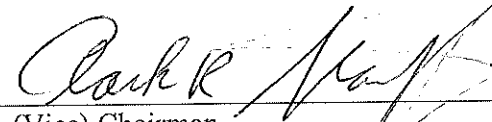
DULY ORDAINED AND ENACTED this 13<sup>th</sup> day of July, 2021, by Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EPHRATA  
Lancaster County, Pennsylvania

Attest:

  
(Assistant) Secretary

By:

  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]