**WEST NORRITON TOWNSHIP**
**MONTGOMERY COUNTY, PENNSYLVANIA**

---

**ORDINANCE NO. 2015-696**

---

**AN ORDINANCE AMENDING THE WEST NORRITON TOWNSHIP ZONING ORDINANCE, CHAPTER 27, PROVIDING FOR NEW DEFINITIONS AND ESTABLISHING GENERAL AND SPECIFIC REQUIREMENTS RELATING TO THE APPROVAL, LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF WIRELESS TELECOMMUNICATIONS FACILITIES AND WIRELESS SUPPORT STRUCTURES; PROVIDING FURTHER FOR THE REGULATION OF SUCH STRUCTURES OUTSIDE THE PUBLIC RIGHTS-OF-WAY AND FOR SUCH FACILITIES WITHIN AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND REPEALING INCONSISTENT PROVISIONS**

---

**WHEREAS,** the First-Class Township Code, 53 P.S. 66506, entitled "General Powers", authorizes the Board of Commissioners to make and adopt ordinances necessary for the proper management, care and control of the township and the maintenance of peace, good government, health and welfare of the Township; and

**WHEREAS,** The Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of Township to establish uniform standards and general guidelines for the siting, design, permitting, maintenance, and use of Wireless Telecommunications Facilities and Wireless Support Structures in the Township in order to protect residential areas and land uses from potential adverse impacts of such facilities, while enhancing the ability of the providers of telecommunication services to provide quick, effective, and efficient services to the Township.

**WHEREAS,** the Board of Commissioners of West Norriton Township has met the procedural requirements of 53 P.S. § 10101, *et seq.,* the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and

**WHEREAS,** the Board of Commissioners of West Norriton Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of West Norriton Township will be served by this amendment of the West Norriton Township Zoning Ordinance;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

## § 1. CODE AMENDMENT.

**A. THE WEST NORRITON TOWNSHIP ZONING ORDINANCE, CHAPTER 27, IS HEREBY AMENDED BY ADDING THE ADDITIONAL DEFINTIONS TO SECTION 27-2001, "DEFINITION OF TERMS":**

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

**Base Station** - A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

**Collocation** - The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.

**Distributed Antenna Systems (DAS)** - A network of spatially separated antenna nodes connected to a common source via transport medium that provides wireless service within a geographic area or 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.

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

**FCC** - Federal Communications Commission

**Modification** or **Modify (Wireless Telecommunications Facilities)** - The improvement, upgrade, or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure, or the improvement, upgrade, or expansion of the wireless telecommunications 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 steel flanged or tapered steel pole structure erected on the ground or on top of a structure, to support communications antennas.

**Right-of-Way or ROW** - The surface of and space above and below any real property in the Township in which the Township has regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks, or any other public place, area, or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved, or devoted for utility purposes, but excluding lands other than streets that are owned by the Township. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

**Stealth Technology** - Camouflaging methods applied to wireless telecommunications towers, antennas and other facilities 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 antenna painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.

**Substantial Change** or **Substantially Change (Wireless Telecommunications Facilities)** - Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceeds 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas.

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

**Wireless Support Structure** - A freestanding 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.

**Wireless Telecommunications Facility** - The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling, generators, and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

**B. THE WEST NORRITON TOWNSHIP ZONING ORDINANCE, CHAPTER 27, IS HEREBY AMENDED BY ADDING NEW PART 23 ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES" AS FOLLOWS:**

**27-2301. Intent**

By enacting these provisions, the Township intends to:

1. Establish uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities in West Norriton Township.

2. Promote the health, safety, and welfare of Township residents and businesses with respect to wireless telecommunications facilities.

3. Provide for the managed development of wireless telecommunications facilities in a manner to provide adequate wireless telecommunications services within the Township in accordance with federal and state laws and regulations.

4. Establish procedures for the design, siting, construction, installation, maintenance, and removal of wireless telecommunications facilities in the Township, including facilities both inside and outside the public rights-of-way.

5. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi, and other wireless telecommunications facilities.

6. Encourage the co-location of wireless telecommunications facilities on existing structures rather than the construction of new wireless support structures.

7. Protect Township residents from potential adverse impacts of wireless telecommunications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

8. Update the Township's wireless telecommunications facilities regulations to incorporate changes in federal and state laws and regulations.

**27-2302. General Requirements for All Wireless Telecommunications Facilities and Wireless Support Structures**

1. Standard of Care. Any wireless telecommunications facility and any associated wireless support structure 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, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, if applicable. Any wireless telecommunications facility and any associated wireless support structure 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.

2. Wind. Any wireless support structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute (ANSI).

3. Public Safety Communications. No wireless telecommunications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

4. Radio Frequency Emissions. No wireless telecommunications facility may, by itself or in conjunction with other wireless telecommunications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC.

5. Aviation Safety. Wireless telecommunications facilities and any associated wireless support structure shall comply with all federal and state laws and regulations concerning aviation safety.

6. Timing of Approval. Within thirty (30) calendar days of the date that an application for a wireless telecommunications facility is filed with the Township, the Township shall notify the applicant in writing of any information required to complete the application.

    a. All applications for a new wireless support structure shall be acted upon within 150 calendar days of the receipt of a fully completed application and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete the application, the time required by the applicant to provide the information shall not be counted toward the Township's 150 day review period.

    b. All applications for the modification, replacement, or collocation of a wireless telecommunications facility shall be acted upon within 90 calendar days of receipt of a fully completed application and the Township shall advise the applicant in writing of its decision. If additional information was requested by

the Township to complete the application, the time required by the applicant to provide the information shall not be counted toward the Township's 90 day review period.

7. 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 wireless telecommunications facility and any associated wireless support structure, as well as related inspection, monitoring and related costs. Such permit fees shall be determined by the Township and authorized by resolution of the Board of Commissioners, and shall be based on the Township's actual costs as applied to such wireless telecommunications facility and any associated wireless support structure.

8. Maintenance. The following maintenance requirements shall apply:

   a. All wireless telecommunications facilities and any associated wireless support structures 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 the best available technology for preventing failures and accidents.

**27-2303. General Requirements for All New Wireless Support Structures**

1. Height.

   a. All new wireless support structures shall be designed at the minimum functional height. All new wireless support structures, including all antennas and equipment, shall not exceed a maximum total height of 150 feet. All applicants must submit documentation to the Township justifying the total height of the structure.

   b. Any height extensions to an existing wireless support structure shall require prior approval of the Township, and shall not increase the overall height of the wireless support structure by more than 30 feet and shall not cause the existing structure to exceed the total maximum height limit of 150 feet.

2. Identification. All new wireless support structures shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.

3. Painting and Lighting. All new wireless support structures shall be painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

Wireless support structures shall not be artificially lighted, except as required by law.

4. Noise. All new wireless support structures 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.

5. Non-Conforming Uses. Non-conforming wireless support structures that are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this ordinance.

6. FCC License. Each person that owns or operates a wireless support structure shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

7. Collocation.

   a. An application for a new wireless support structure outside the ROW shall not be approved unless the Township finds that the wireless telecommunications equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved structure or building. Any application for approval of a new wireless support structure outside the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed structure, 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.

   b. An application for a new wireless support structure in the ROW shall not be approved unless the Township finds that the proposed wireless telecommunications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a new wireless support structure in the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed structure, 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.

8. Design Regulations. Any new wireless support structure 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 applicant shall be subject to the approval of the Township. In the sole discretion of the Township, the requirement to utilize Stealth Technology may be waived if the Council determines that the waiver is in the best interest of the Township.

9. Notice. Upon submission of an application for any new wireless support structure, the applicant shall mail notice thereof to each of the owners of property lying within 300 feet of the boundary lines of the lot for which the application has been filed. Notice shall be served upon the owner by first class mail at the last known address of the property owner according to county records. If service cannot be made upon the owner or occupant, then such property shall be posted by placing the notice on a conspicuous place on the dwelling house, if any, on the property. Such notices shall be supplied by the Zoning Officer, as well as a list of the person or persons to be served, and it shall be the obligation of the applicant to see that such service is made at the applicant's expense and proper return of such service made to the Township.

10. Graffiti. Any graffiti on the wireless support structure or on any accessory equipment or structures shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

11. Removal. In the event that use of a wireless support structure is planned 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. Unused or abandoned wireless telecommunications facilities, or portions thereof, shall be removed as follows:

    a. All unused or abandoned wireless support structures and accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Township.

    b. If the wireless telecommunications facility and/or accessory facility is not removed within twelve (12) months of the cessation of operations at a site, or within any longer period approved by the Township, the wireless telecommunications facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the wireless telecommunications facility.

    c. Any unused portions of wireless support structures, including antennas, shall be removed within twelve (12) months of the time of cessation of operations.

The Township must approve all replacements of portions of a wireless support structure previously removed.

12. 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 any new wireless support structure and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the wireless telecommunications facility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

13. Financial Security. Prior to the issuance of a permit for a new wireless support structure, the applicant shall, at its own expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.

**27-2304. Additional Requirements for New Wireless Support Structures Outside of the Right-of-Way**

1. Permitted in Certain Zones Subject to Regulations. New wireless support structures outside the right-of-way shall be permitted only in the I-Industrial and LC&I-Limited Commercial Industrial zoning districts subject to the restrictions and conditions provided herein. Additionally, no new wireless support structure shall be located within 100 feet of the zoning district boundary of the R-A Rural-Residential, R-1 Residential, R-2 Residential, R-3 Residential, A-Apartment House, or RR-Retirement Residential Communities zoning districts, nor within 100 feet of the boundary of a registered historic district within the Township.

2. Zoning Standards. New wireless support structures shall be permitted as either the sole use on a lot or combined with another non-residential use on the same lot. The wireless support structure and any other structures or equipment on the lot must comply with all applicable standards of the underlying zoning district, including but not limited to: minimum lot size and setback requirements.

3. Fence/Screen. A security fence having a maximum height of six (6) feet shall completely surround any new wireless support structure, guy wires, or any accessory equipment or

structures. A Screening Buffer per the Township Subdivision and Land Development Ordinance §22-507.3.F shall be located along the perimeter of the security fence.

4. Accessory Equipment and Structures. All utility buildings and accessory structures shall be architecturally designed to blend into the environment. All utility buildings and accessory structures shall have a maximum building footprint of 600 square feet and a maximum height of 15 feet.

5. Access Road. An access road, turnaround space, and parking shall be provided as needed to ensure adequate emergency and service access to the wireless support structure. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Where applicable, the owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

6. Inspection. The Township reserves the right to inspect any wireless support structure to ensure compliance with the provisions of this 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 wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

**27-2305. Additional Requirements for New Wireless Telecommunications Facilities in the Right-of-Way**

1. Permitted in Certain Zones Subject to Regulations. New wireless telecommunications facilities in the right-of-way shall be collocated and permitted only in the I Industrial, RE Recreation, C Commercial, L-C Limited Commercial, LC&I Limited Commercial and Industrial, and B-P Business and Professional zoning districts subject to the restrictions and conditions provided herein.

    a. New wireless support structures shall be permitted by special exception within PECO right-of-way areas provided that such new structures are located within an existing PECO structure.

2. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless support structures 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.

3. Equipment Location. Wireless support structures in the ROW and any 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. Equipment connected to, or associated with, a wireless support structure shall be either attached to the same pole, with at least 12 feet of vertical clearance between the ground and the bottom of the equipment structure, or located underground.

4. Relocation or Removal of Facilities. Within 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 wireless support structure in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless telecommunications facility 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 as determined by the Township.

5. Compensation for ROW Use. In addition to permit fees as described in Section 27-2302.7. above, every wireless support structure 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 annual ROW management fee for wireless support structures in the ROW shall be determined by the Township and authorized by resolution of the Board of Commissioners and shall be based on the Township's actual ROW management costs as applied to such wireless support structure.

**27-2306. General Requirements for the Collocation, Replacement, or Modification of Wireless Telecommunications Facilities**

1. Easement. Where the proposed collocated wireless telecommunications facility will be located on a property with another principal use, the applicant shall present documentation evidencing that the owner of the property has granted an easement, license agreement, or other access agreement satisfactory to the

Township for the proposed facility, and that vehicular access is provided to that facility.

2. Removal. In the event that use of a collocated wireless telecommunications facility 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 wireless telecommunications facilities or portions of wireless telecommunications facilities shall be removed as follows:

   a. All abandoned or unused wireless telecommunications facilities and accessory equipment shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Township.

   b. If the wireless telecommunications facility and/or accessory equipment is not removed within twelve (12) months of the cessation of operations at the site, or within any longer period approved by the Township, the wireless telecommunications facility and/or associated equipment may be removed by the Township and the cost of removal assessed against the owner of the wireless telecommunications facility.

4. Historic Buildings. No wireless telecommunications facility may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or has been designated by the Township as being of historic significance.

**27-2307. Additional Requirements for Collocation, Replacement, or Modification of Wireless Telecommunications Facilities outside the Right-of-Way that Substantially Change the Wireless Support Structure to Which They Are Attached**

1. Development Regulations. Collocated wireless telecommunications facilities shall be co-located on existing structures, such as existing buildings or existing wireless support structures subject to the following conditions:

   a. All utility buildings and accessory structures shall be architecturally designed to blend into the environment. All utility buildings and accessory structures shall have a maximum building footprint of 600 square feet and a maximum height of 15 feet.

   b. A security fence having a maximum height of six (6) feet shall completely surround any utility buildings and accessory structures. A Screening Buffer per the Township Subdivision and Land Development Ordinance §22-507.3.F shall be located along the perimeter of the security fence.

c. Vehicular access to any utility buildings and accessory structures shall not interfere with the parking or vehicular circulations on the site for the principal use.

2. Design Regulations. Collocated wireless telecommunications facilities located outside the ROW shall employ the most current Stealth Technology available and be treated to match the supporting structure in an effort to minimize aesthetic impact. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Township. In the sole discretion of the Township, the requirement to utilize Stealth Technology may be waived if the Board of Commissioners determines that the waiver is in the best interest of the Township.

3. Inspection. The Township reserves the right to inspect any wireless telecommunications facility to ensure compliance with the provisions of this 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 wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

**27-2308. Additional Requirements for Collocation, Replacement, or Modification of Wireless Telecommunications Facilities in the Right-of-Way**

1. Collocation. Collocated wireless telecommunications facilities located in the ROW shall be collocated on existing poles, such as existing utility poles or light poles.

2. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless telecommunications facilities 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.

3. Design Requirements.

   a. Collocated wireless telecommunications facility 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. Antennas and all support equipment shall be treated to match the supporting structure. Wireless telecommunications facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

4. Equipment Location. Collocated wireless telecommunications facilities located in the ROW and any 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. Equipment connected to, or associated with, a wireless telecommunications facility shall be either attached to the same pole, with at least 12 feet of vertical clearance between the ground and the bottom of the equipment structure, or located underground.

5. Relocation or Removal of Facilities. Within 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 wireless telecommunications facility located in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless telecommunications facility 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 as determined by the Township.

6. Compensation for ROW Use. In addition to permit fees as described Section 27-2302.7. above, every wireless telecommunications facility located 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 annual ROW management fee for wireless telecommunications facilities located in the ROW shall be determined by the Township and authorized by resolution of the Board of Commissioners and shall be

based on the Township's actual ROW management costs as applied to such wireless telecommunications facility.

**C. THE FOLLOWING SUBSECTIONS OF THE WEST NORRITON TOWNSHIP ZONING ORDINANCE, CHAPTER 27, ARE HEREBY REPEALED:**

1. Section 27-1001.M, Use Regulations – addressing towers for communications purposes;

2. Section 27-1008.6.C, Unified Development Standard, addressing the maximum height for transmission towers.

**§ 2. REPEALER.**

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**§ 3. REVISIONS.**

The West Norriton Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**§ 4. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**§ 5. EFFECTIVE DATE.**

This amendment shall become effective five (5) days after date of adoption.

**ORDAINED AND ENACTED** by the Board of Commissioners for West Norriton Township, Montgomery County, Pennsylvania, this 13th day of October, 2015.

**ATTEST:**

**Jason Bobst,** Township Manager

**WEST NORRITON TOWNSHIP BOARD OF COMMISSIONERS:**

By: _____

**Ralph J. Panzullo,** President