

**TOWNSHIP OF PERRY, LAWRENCE COUNTY
ORDINANCE REVISION NUMBER 2-9-17
TO THE COMMUNICATION TOWER ORDINANCE
ORIGINAL ADOPTION DATE NOVEMBER 13, 2007**

COMMUNICATION and MINI-CELL TOWERS REGULATIONS

Section 1501: Definitions

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

- A. Communications Towers and Mini-cell Towers: A structure other than a building, such as a self supporting, or guyed tower, designed and used to support communication antennas.
- B. Communication Equipment Building: A building required for the operation or construction of a communication antenna.
- C. Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or other wireless communication signals, including without limitation omnidirectional or whip antennas and directional of panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission, hereinafter know as the "FCC" to operate such device.
- D. Height of a communications tower: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.
- E. Federal Aviation Administration, hereinafter known as the "FAA"

Section 1502: Regulations

- A. There shall be a setback requirement of a one hundred (100') feet from all adjoining property lines and street right-of-ways. This shall include the fenced in area and the guyed wires of the communications tower.
- B. A fence of a minimum height of six (6') feet shall be installed around the perimeter of the building or structure that provides the base for the communications tower. The fence shall be constructed as to prevent any unauthorized person from entering the property of the communications tower, and furthermore, the fence shall be locked at all times to prevent unauthorized entry.
- C. Prior to submitting the construction permit application to Perry Township for the construction of a communication tower, the applicant shall have obtained all the necessary approvals from the FCC and FAA and a copy of the approvals shall be submitted with the construction permit application. A complete set of approved designs shall be provided to Perry Township.

- D. The maximum height of any communication tower shall be as set and regulated by the FAA and FCC.
- E. All guyed wires associated with the communications tower shall be clearly marked with a minimum height of fifteen feet (15') of reflective material on the guyed wire so as to be visible at all times.
- F. The property listed in the Lawrence County Property Tax records for the location of the communication tower shall be maintained so as to not become over grown with vegetation.
- G. The placement of a "Mini-Cell Tower" on the township right of ways will be prohibited unless a construction permit has been applied for and inspection fees paid and approved by the Perry Township Building Permit Officer or the UCC Inspection Permit Officer as delegated by the Township. The Highway Occupancy Permit must be obtained and the permit fees also paid prior to any construction.

Section 1503: Land Development, 911 Addressing and Construction Permit Requirements

The Communications Tower applicant shall be required to comply with this Perry Township Land Development - Subdivision - Communication Tower Ordinance, the state wide building codes and the 911 addressing regulations.

- A. The applicant must submit the Land development plan application to the Lawrence County Department of Planning and Community Development that enforces the planning for Perry Township for review and approval.
- B. Once the plan is reviewed and approval notice is received, the plan must be recorded prior to receiving any construction permits.
- C. The construction of a communication tower shall require an address for the site which shall be obtained through the addressing authority.

Section 1504: Abandonment

If a communications tower remains unused for a period of twelve (12) months, the owner or operator of said communications tower shall dismantle and remove the communications tower, structures, fencing and guyed wires, etc. within six (6) months following the twelve month period.

Section 1505: Enforcement and Penalties

- A. Any person violating this ordinance shall be subject to the same penalties and enforcement procedures for a violation of the Township's building/construction permit code regulations and the land development-subdivision ordinance.
- B. The Township shall have the option to file an action in the Court of Common Pleas of Lawrence County, PA, through the Township Solicitor, to request injunctive relief to remove any building or structure in violation of this ordinance and that the owner/operator of the communication tower will be responsible for all costs and attorney's fees incurred by the Township relative to the enforcement of this ordinance.

- C. In addition to Section 1505, #B, Perry Township shall have the right to file an action at the local District Justice Office and to request a fine to be imposed of not less than \$300.00 per each day for violation of this ordinance. Each day that the ordinance is violated shall constitute a separate violation of this ordinance.
- D. The Perry Township Supervisors hereby designate the Lawrence County Planning Commission as the exclusive agency to implement this ordinance which shall be a part of the Subdivision and Land Development Ordinance and Communication Tower Ordinance for Perry Township, Lawrence County, Pennsylvania.

Section 1506: Repealer.

Article XV Communication Towers of the Subdivision and Land Development Ordinance and Communication Tower Ordinance for Perry Township, Lawrence County, Pennsylvania dated November 13, 2007 is hereby repealed upon the effective date of this amendment.

Effective Date:

This revision of the Communication Tower Ordinance shall become effective February 9, 2017.

ENACTED AND ORDINAINED this 9th day of February, 2017.

Signed by John Zias
Supervisor, John Zias

SEAL

Signed by Timothy Boots
Supervisor, Timothy Boots

Signed by James Radich
Supervisor, James Radich

Signed by Janice Marshall
Attest: Secretary, Janice Marshall