

WIRELESS COMMUNICATIONS FACILITIES

MODEL ORDINANCE

INTRODUCTION & HOW TO USE MODEL

Wireless Communications Facilities (WCFs) have become common elements of the landscape. Increasing demand for coverage and capacity will drive the need for additional WCFs in the future. Recent changes in wireless communications regulations and industry trends have introduced a whole host of new issues, such as collocation and WCFs in established rights-of-way that municipalities must understand. Municipalities are encouraged to proactively provide for WCFs in their communities through the local planning and zoning powers delegated to them in the Pennsylvania Municipalities Planning Code (PA MPC).

The attached model ordinance was developed using ordinances from municipalities around the state, other states and with the consideration of federal statutes and regulations that impact local regulation of WCFs. The model ordinance is intended to provide an overview of how WCFs can be regulated. Municipalities should not implement this entire model ordinance without modification. Rather, municipalities should review this model ordinance, examine their local situation, and adopt the regulations that make the most sense for their municipality. Municipalities should seek advice from their respective solicitors regarding the legality of the specific provisions before implementing this or any other WCF regulations.

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- PCIA – The Wireless Infrastructure Association, "Model Wireless Telecommunications Facility Siting Ordinance"
- Pennsylvania Department of Community and Economic Development, "Local Government Regulation of Wireless Telecommunications Facilities"
- Riley Ripper Hollin & Colagreco, P.C., Exton, Pennsylvania
- Various Zoning Ordinances from municipalities throughout Cumberland County, Pennsylvania

Model Ordinance: Wireless Communications Facilities

Section 1 Purpose

The purposes of this model ordinance include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 *et seq.* in **[NAME OF MUNICIPALITY]** (the "Township" or "Borough" or "City"). Moreover, the **[Township or Borough or City]** desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the **[Township's or Borough's or City's]** residents, businesses and emergency service providers. While the **[Township or Borough or City]** recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the **[Township or Borough or City]** also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

Section 2 Definitions

The definitions found herein apply only to Wireless Communications Facilities and the regulations found in this Article.

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.¹

Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user

¹ 53 P.S. § 11702.2.

equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., wifi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the **[Township or Borough or City]** under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the **[Township or Borough or City]** under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.²

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.³

Distributed Antenna System (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.⁴

Eligible Support Structure: Any tower or base station, provided that it is existing at the time the relevant application is filed.

² 47 C.F.R. § 1.40001(b)(1).

³ *Id.* at § 1.40001(b)(2).

Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.⁵

Ft. Worth Attachment: A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

Minimum Functional Height: Minimum height necessary for a WCF to function satisfactorily.

Modification: 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 telecommunication 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.⁶



Photograph of a Ft. Worth Attachment. Source: <http://www.bge.com/doingbusiness/li ghtspeedcommunications/PublishingImages/Main/Fort%20Worth.JPG>

Monopole: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.⁷

Right-of-Way (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a 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, skyways, or any other public place, area or property under

⁵ 53 P.S. § 11702.2.

⁶ *Id.*

⁷ *Id.*

the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the Right(s)-of-Way.

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.⁸

Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

Substantial Change OR Substantially Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

Photograph shows an example of Stealth Technology. Source: <http://www.telepp.com/support/photos/monopine.jpg>



⁸ 47 C.F.R. § 1.40001(b)(6).

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site.⁹

Tower: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. wifi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.¹⁰

Tower-Based Wireless Communications Facilities (Tower-Based WCF): Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and

⁹ *Id.* at § 1.40001(b)(7).

¹⁰ *Id.* at § 1.40001(b)(9).

regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.¹¹

WCF on Existing Structure: 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 tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (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 telecommunication services. The term shall not include the wireless support structure.

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, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.¹²

¹¹ *Id.* at § 1.40001(b)(8).

¹² 53 P.S. § 11702.2.

Section 3 Permitted and Prohibited Zoning Districts for Wireless Communications Facilities (WCF)¹³

Table 3.1.a

Permitted Zoning Districts

	WCF TYPE	PERMITTED ZONING DISTRICTS	PERMITTED BY RIGHT, CU, OR SE
A	Tower-Based WCF Located In the ROW	Non-Residential Zoning Districts	By Right
		Residential Zoning Districts (subject to Table 3.1.b below)	CU or SE
B	Tower- Based WCF where the Tower is 40’ or less in height, Located Out of the ROW	Non-Residential lots or properties in Residential Zoning Districts (subject to Table 3.1.b below)	By Right
		Non-Residential Zoning Districts	
		Municipal owned property in all zoning districts	
C	Tower-Based WCF where the Tower is more than 40’ in height, Located Out of the ROW	Non-Residential Districts	By Right
		Church, School, Public or Semi-Public or other institutional lots or properties in Residential Zoning Districts	CU or SE
D	WCF on Existing Structures ¹⁴	All zoning districts	By Right
E	Eligible Facilities Request		

¹³ This model ordinance provides guidance on the zoning districts that typically accommodate WCFs as other uses in that zoning district generate demand for WCF. Municipalities are encouraged to identify areas of need for WCF in their municipality and permit facilities in those locations, typically those areas where demand for and usage of wireless communications services is great. Such zoning districts and areas typically include those designated, planned, and classified for growth and development, and include a full range of public utilities, infrastructure and services (i.e. business areas, mixed use areas, public and community areas, certain residential neighborhoods, etc.) Municipalities are also encouraged to exercise local discretion in identifying locations where WCF may negatively impact their community and prohibiting WCF in those locations or allowing the use by special exception or conditional use.

¹⁴WCF on Existing Structures typically have minimal impacts in the zoning districts where they are located as they are located on existing structures and do not require the installation of new towers.

Table 3.1.b
Prohibited Zoning

	WCF TYPE	PROHIBITED ZONING DISTRICTS
A	Tower-Based WCF Located Out of the ROW	Residential lots or properties in Residential Zoning Districts
B	Tower-Based WCF located in the ROW	Residential Zoning Districts where all public service utilities are primarily located underground within one hundred (100') feet of the proposed Tower or Base Station

Section 4 Bulk and Area Requirements

Table 4.1

Tower-Based WCFs

		WCF out of ROW	WCF in ROW
Height		Tower-Based WCFs shall be designed to Minimum Functional Height. ¹⁵ Applicants must submit documentation justifying the total height.	Tower-Based WCFs shall be designed to Minimum Functional Height, not to exceed 40 feet in Residential Zoning Districts and 60 feet in Non-Residential Zoning Districts. Applicants must submit documentation justifying the total height.
Lot size	Only use on lot or property:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot or property:	Area needed to accommodate the WCF and guy wires, Accessory Equipment, and if required security fence and landscaping and screening.	
Setbacks	Towers:	Setback from property lines, not lease lines, at least (100%-110%) ¹⁶ of the combined height of the Wireless Support Structure and Antennas, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not Applicable.
	Equipment buildings/cabinets:	Subject to applicable minimum accessory use or structure setback in the underlying zoning district.	

¹⁵ Typically, the applicant will demonstrate that the facility is the minimum height necessary in order for the facility to meet its intended function in the applicant's system and to provide reliable service. This usually requires the testimony of a radio frequency design engineer.

¹⁶ Tower-Based WCF setbacks are implemented to protect surrounding properties should a tower collapse and are thus related to the height of the tower.

Section 5 Design, Construction and Operations

- a) All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, Modified, removed and Replaced in strict compliance with all current applicable federal and state technical and safety codes.¹⁷
- b) Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
- c) All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.
- d) Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.
- e) Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.
- f) Lighting. Towers shall not be artificially lighted beyond what is required by law.¹⁸
- g) Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.

¹⁷ Federal and State agencies include but are not limited to the following: Federal Communications Commission (FCC), American National Standards Institute (ANSI), National Electrical Safety Code, National Electric Code, and National Association of Tower Erectors.

¹⁸ Federal Aviation Administration (FAA) may require lighting of structures 200 feet or greater in height. Towers that meet certain height and location criteria (generally towers more than 200 feet in height or located near an airport) will require notice to the FAA and registration with the FCC.

h) Vehicular Access.

- 1) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.
- 2) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
- 3) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
- 4) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
- 5) An applicant shall present documentation to the **[Township or Borough or City]** that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
- 6) Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
- 7) Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

- i) Fencing. A security fence, which may include barbed wire, with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the **[Township or Borough or City]** when the fence would not be appropriate or feasible.¹⁹

j) Safety in Rights-of-Way.

- 1) Schedule of operations. The **[Township or Borough or City]** shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all WCFs located in the Right-of-Way,

¹⁹In some cases fencing may not be practical or desirable. This regulation states that fencing "may" be required which provides flexibility for elected officials to require or not require fencing depending on the situation at hand.

- based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the **[Township or Borough or City]** and the requirements of the Public Utility Code.
- 2) Alteration of a WCF. Within 60 days following written notice from the **[Township or Borough or City]**, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the **[Township or Borough or City]**, 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 any one of the following circumstances:
- i) The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way.
 - ii) The operations of the **[Township or Borough or City]** or other governmental entity in the Right-of-Way.
 - iii) Vacation of a street or road or the release of a utility easement.
 - iv) An emergency as determined by the **[Township or Borough or City]**.
 - v) No permit is required for such removal, relocation, change or alteration ordered by the **[Township or Borough or City]**.
- 3) Visual obstruction. All WCFs 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 Right-of-Way as determined by the **[Township or Borough or City]**. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cartway.
- k) Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.
- l) Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical

investigations, ANSI/EIA-222-G, as amended, shall be submitted to the **[Township or Borough or City]** Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

- m) Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.²⁰
- n) Inspections for all WCFs where the new Tower is more than 40 feet in height.
 - 1) A copy of any required inspection report shall be provided to the **[Township or Borough or City]** following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the **[Township or Borough or City]**.
- o) Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.

Section 6 Aesthetics, Landscaping, and Screening

- a) Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
- b) Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:
 - 1) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
 - 2) Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by **[Township or Borough or City]**.²¹

²⁰ Airport Hazard Zoning requirements may limit the construction or height of WCF in certain locations.

²¹ Municipalities should determine the screening application best suited to the situation at hand. The model ordinance states that screening “may” be required, thereby preserving flexibility for local elected officials to determine when and how screening should be provided.

Section 7 Replacement, Collocation, or Modification²²

- a) Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the **[Township or Borough or City]** building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.
- b) Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the **[Township or Borough or City]**.
- c) Any Substantial Change to an existing Tower-Based WCF shall require approval of the **[Township or Borough or City]** in accordance with the terms of this Section.
- d) Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the **[Township or Borough or City]** building code official for compliance with the building code.

Section 8 Permit Requirements

- a) Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a [1/4 or 1/2] mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
- b) Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right-of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.

²² 2012 Wireless Broadband Collocation Act

- c) Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
- d) Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.
- e) Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
- f) Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
- g) Review timeframes.²³

Table 8.1
WCF Review Timeframes

		Municipality shall notify the applicant in writing of any information that may be required to complete application.	Municipality shall approve or deny the application unless a shorter time period is applicable under the PA MPC.
A	New Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the Municipality.	Within 150 days* of submission of a complete application for a WCF.
B	WCF on Existing Structures	Within 30 calendar days of the date the application was filed with the Municipality.	Within 90 days* of submission of a complete application for a WCF.
C	Eligible Facilities Requests** (as defined)	Within 30 calendar days of the date the application was filed with the Municipality.	Within 60 days* of submission of a complete application for a WCF.
<p>*The time period may be tolled by mutual agreement or in cases where the Municipality informs the applicant in a timely manner that the application is incomplete. If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Municipality provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.</p>			
<p>**The Municipality shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an Eligible Facility.</p>			

²³ FCC Administrative Rulings, FCC 09-99, WT Docket 08-165. Adopted & released 11/18/2009 and FCC 14-153 adopted 10/17/2014. The approval deadlines noted (150 and 60 days) are from the “Shot Clock” Rule. These dates should not be extended. Further, this timeframe should be adjusted for any subsequent amendment approved by the FCC. Also, note that Wireless service providers can seek relief in the courts if their application takes longer than what is specified in the “Shot Clock” ruling.

- h) Permit Fees. The **[Township or Borough or City]** may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.

Section 9 Discontinuation, Abandonment and Removal

- a) Discontinuation. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to the **[Township or Borough or City]** of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
- 1) All unused or abandoned WCFs and accessory facilities shall be removed within (6-12) months of the cessation of operations at the Site unless a time extension is approved by the **[Township or Borough or City]**.
 - 2) If the WCF and/or accessory facility is not removed within (6-12) months of the cessation of operations at a Site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.
 - 3) Any unused portions of WCFs, including Antennas, shall be removed within (6-12) months of the time of cessation of operations.