

**Board of Commissioners**

**Work Session**

**May 4, 2015**

**7:00 P.M.**

**Presentation: Maillie LLP, Auditor Report**

**Police Department: Crime Stats**

**Discussion: Telecommunications Ordinance**

**NEXT WEEK:**

<b>Ordinance No. P4-2015</b>	<b>C2 Zoning Text Amendment (2<sup>nd</sup> Reading)</b>
<b>Ordinance No. P5-2015</b>	<b>Zoning Map Amendments (2<sup>nd</sup> Reading)</b>
<b>Ordinance No. P8-2015</b>	<b>Garbage, Refuse and Recycling Regulations (2<sup>nd</sup> Reading)</b>
<b>Ordinance No. P9-2015</b>	<b>Chronic Nuisance Properties (2<sup>nd</sup> Reading)</b>
<b>Ordinance No. P10-2015</b>	<b>Traffic (2<sup>nd</sup> Reading)</b>
<b>Ordinance No. P11-2015</b>	<b>Sign Code Amendment (1<sup>st</sup> Reading)</b>

**Contract Awards**

**Contractors for the Community Development Block Grant and HOME Programs**

**Emergency Road Repairs to Highland Avenue**

**“Officer of the Year” Award**

**Proclamation: Chief Mike Norman, Manoa Fire Company**

*Hav Twp.*  
→ Township of Haverford, PA  
Tuesday, March 10, 2015

## Chapter 167. Telecommunications

[HISTORY: Adopted by the Board of Commissioners of the Township of Haverford as indicated in article histories.]

### GENERAL REFERENCES

Streets and sidewalks — See Ch. 157.

Zoning — See Ch. 182.

## Article I. Wireless Communications Facilities in Rights-of-Way

[Adopted 10-13-2009 by Ord. No. 2583<sup>[1]</sup>]

[1]: *Editor's Note: This ordinance also repealed former Ch. 167, Telecommunications, adopted 10-12-1999 by Ord. No. 2319.*

### § 167-1. Intent.

The intent of this article is to:

- A. Provide clear standards and review requirements addressing the installation and maintenance of wireless communications facilities in rights-of-way.
- B. Assist the Township in managing and maintaining its rights-of-way in accordance with applicable law for the long-term benefit of the public.
- C. Recover the costs of maintaining, managing, and regulating the installation and maintenance of wireless communications facilities in rights-of-way.

### § 167-2. Applicability.

No wireless communications facility shall be installed, constructed, maintained, or operated in any right-of-way except in compliance with this article, and all other applicable provisions of the Township Code, including but not limited to Chapter 157, Streets and Sidewalks, Article III, Excavations, Openings, and Occupancy. The placement of wireless communications facilities in a public ROW shall be governed by this article and shall not be subject to the requirements of Chapter 182, Zoning.

### § 167-3. Definitions.

As used in this article, the following words and terms shall have the following meanings:

#### ANTENNA ARRAY

One or more dipoles, panels (discs) or other devices used for the transmission or reception of radio frequency signals, which may include omnidirectional dipole, directional antenna (panel) and parabolic antenna disc. The antenna array shall not include the support structure.

**APPLICANT**

The person applying for a ROW use permit.

**APPLICATION**

The form prescribed by the Township, which the applicant must complete in order to obtain a ROW use permit under this article.

**BASE STATION (MICROCELL TYPE)**

Wireless communications facilities consisting of an array that is either no more than four feet in height with an area of not more than 580 square inches or, if a tubular antenna, no more than four inches in diameter and no more than six feet in height.

**EMERGENCY**

A condition that, in the judgment of the Township Manager, constitutes an imminent risk to health, welfare, or safety of the public.

**EQUIPMENT FACILITY**

Any structure or enclosure used to contain ancillary equipment as a component of a wireless communications facility, including a cabinet, shelter, a buildout of an existing structure or a pedestal.

**PERMITTEE**

The recipient of a ROW use permit and its contractors and/or subcontractors.

**PERSON**

Any individual, corporation, partnership, association, governmental entity or any other legal entity, but not the Township of Haverford.

**PUBLIC UTILITY**

A public utility corporation certificated by the Pennsylvania Public Utility Commission and acting within its certificated authority.

**RIGHT-OF-WAY or ROW**

The space in, upon, above, along, across, and over the public streets, roads, lanes, courts, ways, alleys, boulevards, and places, including all public utility easements and public service easements that are under the jurisdiction of the Township. The phrase "in the right(s)-of-way" means "in, on, over, along, above and/or under the right(s)-of-way."

**RIGHT-OF-WAY USE PERMIT or ROW USE PERMIT**

A written authorization granted by the Township to an applicant to enter upon and occupy a right-of-way for the purpose of installing, constructing, maintaining, or operating wireless communications facilities.

**SUPPORT STRUCTURE**

A structure designed and constructed to support an antenna array or base station.

**WIRELESS COMMUNICATIONS FACILITY**

Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array or base station, connection cables, an equipment facility and a support structure or attachment structure to achieve the necessary elevation.

**WIRELESS COMMUNICATIONS SERVICE**

Any personal wireless service as defined by the federal Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

**§ 167-4. Right-of-way management administration.**

- A. The Township Manager, or his/her designee, shall be the principal Township official responsible for the administration and implementation of this article.
- B. The Township Manager, or his/her designee, shall coordinate the preparation of all policies and forms as necessary for the implementation of this article with the approval of the Board of Commissioners.

**§ 167-5. Right-of-way use permit required.**

- A. Except as otherwise provided in this article, no person shall enter upon or occupy any right-of-way for the purpose of installing, constructing, maintaining, or operating wireless communications facilities without first having obtained a ROW use permit for each such facility.
  - (1) Nature of grant. A ROW use permit shall not convey title, equitable or legal, in the right-of-way. A ROW use permit grants a right to occupy a ROW in the Township.
  - (2) Term. ROW use permits shall have a one-year term, automatically renewable, subject to then current code provisions and the payment of applicable fees to the Township in accordance with this article.
- B. Every person who desires to construct, install, maintain, or operate wireless communications facilities in the ROW must enter into a right-of-way use agreement with the Township as a prerequisite to the issuance of any ROW use permits. The form and content of the right-of-way use agreement shall be established by the Board of Commissioners.
- C. Except as otherwise provided herein, any person owning, operating or maintaining any wireless communications facility in any right-of-way as of the effective date of this article shall also obtain a ROW use permit in accordance with § 167-9, Transitional provisions.
- D. Nothing in this article shall be construed as a waiver of any other ordinances or regulations of the Township or the Township's right to require permittees to secure and remit payment for any and all other required permits or authorizations.

**§ 167-6. Wireless communications facilities allowed.**

- A. Wireless communications facilities allowed in rights-of-way shall be limited to base stations and any equipment facilities necessary to the operation of the base stations.
- B. Support structure. The antenna array must be mounted on a monopole support structure, such as a utility pole, in compliance with construction standards approved by the Township Engineer. The support structure must be located in proximity to other similar support structures within the right-of-way and cannot exceed them in height by more than five feet.

- C. Equipment facilities must be installed so that the roof or lid is either below or is flush with local ground-level grade. All such equipment facilities shall be shown in the application. The Board of Commissioners may grant a waiver to this requirement, on a case-by-case basis, upon the applicant's showing of need, provided that the facility does not constitute an obstruction in the ROW which would endanger public safety.

## § 167-7. Application for right-of-way use permit; permit decisions.

- A. An application for a ROW use permit shall be submitted to the Township Manager on a form, established by the Township, which form may be revised from time to time.
  - (1) The application form shall request information regarding the proposed or actual physical use and occupation of the right-of-way by the applicant, including specific information regarding the wireless communications facilities the applicant proposes to place or currently maintains in the right-of-way.
  - (2) A single application may cover multiple wireless communications facilities.
  - (3) Support structure attachment agreement. If the antenna array is to be erected on a third party's support structure, the consent of the third party must be attached to the application. If the antenna array is to be erected on a Township support structure, the application shall include a request therefor. If granted, the applicant must enter into a support structure attachment agreement with the Township and pay an annual fee for the use of the Township's facilities.
  - (4) The application must demonstrate that the applicant possesses a license from the Federal Communications Commission to provide telecommunications services to the public and is authorized to conduct business in the Commonwealth of Pennsylvania.
  - (5) The Township shall review each application to determine whether such use would have a detrimental effect on public safety as it relates to the rights-of-way or would place an undue physical burden on the rights-of-way.
  - (6) All applications shall include a sworn affidavit from a radio frequency engineer that the placement or occupancy of the wireless communications facility in the ROW will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and nonresidential properties.
- B. In considering an application for the issuance of a ROW use permit, the Township may use such outside experts as it deems necessary to assist in reviewing the application and determining whether the use proposed by the applicant would have a detrimental effect on public safety or place an undue burden on the right-of-way. In the event the Township deems it necessary to employ an outside expert or experts to advise the Township with respect to a particular application, the reasonable costs of such expert(s) ("expert costs") shall be borne by the applicant. Upon completion of its review of the application, the Township shall present a statement of the expert costs to the applicant for payment. No ROW use permit shall be issued until the applicant pays the expert costs. Payment of expert costs is in addition to, and not in lieu of, the payment of the applicable fees set forth in § 167-8 below. Expert costs are nonrefundable in the event the application is denied.
- C. Decisions to grant or deny an application shall be made on a nondiscriminatory and competitively neutral basis. Upon submission of a fully completed application to the Township and the

accompanying fee, the Township shall review the application as follows. The Township shall grant or deny an application within 60 days of its receipt. A decision to deny an application shall be preliminary and shall become final only after the applicant has received the preliminary decision and has been given 10 days to request a hearing before the Township Property Committee of the Board of Commissioners. If such a hearing is not requested, the decision shall become final at the end of the ten-day period. If a hearing is requested, a written record shall be made, and the Township Property Committee shall render a final, written decision supported by substantial evidence contained in the written record within 45 days of the close of the hearing.

## § 167-8. Fees and charges.

- A. The fees and charges prescribed by the Board of Commissioners and which must be paid for installation and maintenance of a wireless communications facility in the Township are set forth in the Fee Schedule contained in Chapter **A187**, Fees, hereof.
- B. Application fee. The applicant for a right-of-way use permit shall pay the Township an application fee as set forth in the Fee Schedule at Chapter **A187**. This fee is directly related to the Township's costs in reviewing the application (excluding expert costs). This fee is nonrefundable.
- C. Annual fee. The applicant must also pay an annual ROW use fee as set forth in the Fee Schedule at Chapter **A187**. This fee is directly related to the Township's costs in managing the use of rights-of-way for the provision of wireless communications service. This fee is nonrefundable.
- D. For wireless communications facilities to be located on Township-owned attachment structures in the ROW, the applicant must also enter into a support structure attachment agreement with the Township and pay the Township the rental fees therefor described in the Fee Schedule at Chapter **A187**.

## § 167-9. Transitional provisions.

- A. Persons already authorized by the Township to own, construct, operate or maintain wireless communications facilities in the rights-of-way who are required to obtain a ROW use permit under this article may continue to conduct those activities expressly authorized until the earlier of 1) the expiration of the term of the existing authorization (but not any renewal or extension thereof), or 2) one year after the effective date of this article. Notwithstanding the foregoing, such persons shall apply for a superseding ROW use permit pursuant to this article within 120 days after the effective date of this article and shall be subject to this article to the extent permitted by law.
- B. Persons owning or operating any wireless communications facilities in the rights-of-way, the operation or maintenance of which is not currently authorized but is required to be authorized by this article, shall have 120 days from the effective date of this article to file an application for a ROW use permit. Any person timely filing such an application shall not be subject to a penalty for failure to have such a ROW use permit, as long as said application remains pending; provided, however, that nothing herein shall relieve any person of any liability for its failure to obtain any permit or other authorization required under other provisions of this article, or other Township ordinances or regulations, and nothing herein shall prevent the Township from requiring removal of any facilities installed in violation of this article or other Township ordinances or regulations.

## § 167-10. Insurance; indemnification.

- A.

Insurance required. A permittee shall, at all times during the life of a ROW use permit, carry itself and require all of its subcontractors to carry liability, property damage, workers' compensation, and vehicle insurance issued to the permittee by an insurance company licensed to do business in the Commonwealth of Pennsylvania in an amount and form acceptable to the Township as set forth in the permit. A permittee and all of its subcontractors shall name the Township as an additional insured on their liability insurance policies for whom defense will be provided as to all such coverages. All required insurance coverage shall provide for 30 days' written notice to the Township in the event of material alteration or cancellation of such coverage prior to the effective date of such material alteration or cancellation. A permittee shall provide appropriate insurance certificates to the Township within 30 days after the issuance of a permit and annually thereafter. Any certificate of insurance presented to the Township shall verify that the permittee and all of its subcontractors are insured against claims for personal injury, including death, as well as claims for property damage arising out of the permittee's use and occupancy of the rights-of-way. The Township may accept a plan of self-insurance as a substitute for such insurance if the Township determines that such self-insurance adequately protects the Township and the public.

- B. Indemnification required. Each permittee and all of its subcontractors shall, at their sole cost and expense, indemnify, hold harmless, and defend the Township, its officials, boards, commissions, commissioners, agents and employees against any and all claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its wireless communications facilities in any right-of-way, or in any way arising out of the permittee's use or occupancy of the rights-of-way, except that a permittee shall not indemnify, hold harmless and defend the Township in connection with any negligent or malicious act or omission attributable to the Township. This provision shall include, but is not limited to, the Township's reasonable attorneys' fees, expert fees, court costs, and any other costs incurred in defending against any such claim, suit or proceeding.

## § 167-11. Transfers.

A ROW use permit may be transferred provided that:

- A. The permittee notifies the Township of its intent to transfer the ROW use permit in writing at least 30 days prior to the transfer;
- B. The permittee is not in violation of any of the conditions of the ROW use permit or any provisions of this article; and
- C. The transferee accepts the transfer and is a party to a current ROW use agreement with the Township.

## § 167-12. Suspension of ROW use permit.

- A. The Township may suspend a ROW use permit in the event any one or more of the following has occurred:
  - (1) The permittee shall have caused damage to Township property or the right-of-way without the prior consent of the Township (except in the case of an emergency) and without completing proper restoration;
  - (2) The permittee's use or occupation of the right-of-way has had a detrimental effect on public safety;
  - (3) The permittee failed to pay fees and charges required under this article;

- (4) The permittee and all of its subcontractors failed to indemnify, hold harmless, and insure the Township in accordance with the provisions contained in § 167-10 of this article.
  - (5) The permittee and all of its subcontractors failed to obtain any permits required under Chapter 157, Article III, Excavations, Openings and Occupancy, prior to commencing construction activities in the right-of-way.
  - (6) The permittee provided false, misleading, or intentionally incomplete information on the ROW use permit application.
- B. If the Township has reason to believe that one or more of the above events has occurred, it shall notify the permittee in writing via certified mail. The permittee shall have 30 days to cure the violation, unless the Township reasonably determines that the event is an emergency, in which case the Township may impose a shorter time period to cure the violation.
- C. If the permittee fails to cure the violation within the specified time period, the Township may immediately suspend the right-of-way use permit and provide the permittee with written notice via certified mail of its intent to terminate the permit and stating its reasons. A suspension shall be brought to the attention of the Board of Commissioners at its next meeting, at which time the Board of Commissioners shall be permitted to uphold or withdraw the suspension. The permittee shall be provided an opportunity to be heard at such meeting. In addition, the Township may proceed with any other available remedies as set forth in § 167-18 of this article.

### § 167-13. (Reserved)

### § 167-14. Termination of ROW use permit.

- A. In addition to all other rights and powers reserved by the Township, the Township reserves the right to terminate a ROW use permit and all rights and privileges of a permittee for any of the following reasons:
- (1) A permittee, after 30 days' prior written notice, fails to comply with any of the material provisions of the ROW use permit or this article;
  - (2) A permittee attempts to or does practice any fraud or deceit in its conduct or relations with the Township pursuant to the permit; or
  - (3) The permittee abandons the wireless communications facility.
- B. No termination shall be effective unless and until the Board of Commissioners shall have adopted a resolution setting forth the cause and reason for the termination and the effective date, which resolution shall not be adopted without 30 days' prior written notice via certified mail to the permittee and an opportunity for the permittee to be heard and to present evidence before the Board of Commissioners on the proposed resolution.

### § 167-15. Removal.

Within 120 days of the expiration or termination of a ROW use permit, whether by action of the Township or otherwise, the permittee shall remove the wireless communications facility from the right-of-way and shall restore the right-of-way to a condition satisfactory to the Township. If such removal is not completed within six months of the expiration/termination, the Township may deem any facilities or other property not removed as abandoned. The Township may remove the facilities and restore the



right-of-way at the sole expense of the permittee. The permittee's obligation to remove its facilities and restore the right-of-way shall survive the expiration/termination of the ROW use permit.

## § 167-16. Relocation.

The Township shall require the relocation of a wireless communications facility at the permittee's expense if necessary to accommodate the location or relocation of the ROW facilities of the Township or a public utility or to protect the public safety.

## § 167-17. Inspections and reporting.

- A. Inspections. The Township may inspect any wireless communications facilities to determine compliance with the terms of this article and other applicable laws and regulations. Permittees are required to cooperate with all such inspections and to provide information requested by the Township as part of the inspection.
- B. Reporting. The Township may require the submission of reasonable information by the permittee relating to its use and occupation of the rights-of-way as part of the application process or otherwise. All information provided to the Township shall be maintained by the Township as proprietary and confidential if such information is so designated in good faith prior to the time it is provided to the Township by the applicant.

## § 167-18. Violations and penalties; available remedies.

- A. Any person violating the prohibitions in § 167-5A (ROW use permit required) of this article shall, upon summary conviction before any District Justice, pay a fine of no more than \$600. A separate and distinct violation shall be deemed committed each day on which a violation occurs or continues.  
[Amended 3-12-2012 by Ord. No. 2660]
- B. If the Township determines that a permittee is in violation of this article or a ROW use permit, the Township shall notify the permittee of the violation(s) in writing via certified mail and provide the permittee with 30 days to cure the violation(s), unless the Township reasonably determines that the event is an emergency, in which case the Township may impose a shorter time period to cure the violation. The Township, in its reasonable discretion, may provide a longer period of time to cure the violation(s) if the nature of the violation(s) is such that it cannot be fully cured within 30 days. If the permittee fails to cure the violation(s) within the time provided, the permittee shall pay, upon summary conviction before any District Justice, a fine of no more than \$600. A separate and distinct violation shall be deemed committed each day on which a violation occurs or continues.  
[Amended 3-12-2012 by Ord. No. 2660]
- C. In the case of an emergency which is discovered by the Township or reported to the Township, the Township shall notify the permittee via the permittee's emergency telephone number. In the event that the permittee does not repair the emergency within six hours, the Township may repair the emergency at the permittee's expense.
- D. The remedies set forth in this section are in addition to the procedures for suspension and termination of a ROW use permit under §§ 167-13 and 167-14 of this article.
- E. In addition to any other remedy, the Township may seek an injunction to mitigate or terminate any violation hereunder or employ any other remedy available at law or in equity.

- F. The failure of the Township to insist on timely performance or compliance by any person holding a ROW use permit shall not constitute a waiver of the Township's right to later insist on timely performance or compliance by that person or any other person holding a ROW use permit.

### **§ 167-19. Reservation of rights; police power.**

No ROW use permit shall estop or limit the Township in the full exercise of its governmental powers to protect the health and safety of the public, and all other governmental powers may be fully exercised except as expressly provided herein.

## Chapter 155. Zoning

### Article XXV. General Regulations

#### § 155-141.1.1. Wireless communication facilities.

[Added 11-15-1995 by Ord. No. 3406; amended 5-20-1998 by Ord. No. 3489]

In recognition of the quasi-public nature of wireless communication systems, the following special regulations shall apply:

A. Purposes. The purposes of this section shall be as follows:

- (1) To accommodate the need for wireless communication facilities while regulating their location and number in the Township.
- (2) To minimize adverse visual effects of wireless communication facilities and support structures through proper design, siting and vegetative screening.
- (3) To avoid potential damage to adjacent properties from support structure failure and falling ice, through engineering and proper siting of support structures.
- (4) To encourage the joint use of any new support structures to reduce the number of such structures needed in the future.

B. Definitions. For the purposes of this section, the definitions in § 140-2 shall apply.

C. Use regulations.

- (1) A wireless communications facility with support structure shall be a permitted use of land in all commercial zoning districts and the M Manufacturing and Industrial Districts, except for land otherwise used for a day-care, preschool, primary and secondary school facility. In residence zoning districts, a wireless communication facility with support structure is permitted only if the property is owned by the Township of Lower Merion and used for municipal purposes or if the property is a cemetery use conducted on a lot of at least 10 acres in size.  
[Amended 9-15-1999 by Ord. No. 3539; 12-20-2000 by Ord. No. 3594]
- (2) An attached wireless communication facility is a permitted use in all zoning districts.
- (3) If the application is for a wireless communication facility on a new support structure, then a special exception from the Zoning Hearing Board will be required.
- (4) All other uses ancillary to a wireless communication facility (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the wireless communication facility site unless otherwise permitted in the zoning district in which the wireless communication facility site is located.
- (5) No wireless communication facility with support structure shall be permitted on a lot which is nonconforming as to size, and no more than one such support structure shall be permitted on any lot.  
[Added 12-16-1998 by Ord. No. 3508]

- (6) No more than one wireless communication facility visible from a lot line of the property on which it is located shall be permitted on any lot unless multiple facilities are collocated on a single support structure.  
[Added 12-16-1998 by Ord. No. 3508]

D. General standards applicable to all wireless communication facilities.

(1) Height restrictions.

(a) Attached wireless communication facilities.

- [1] Antenna array on any attachment structure must be more than 35 feet above ground on all sides of the structure and are prohibited on all structures 35 feet or less in height.
- [2] The height from grade of the antenna array may not exceed the height from grade of the attachment structure by more than 20 feet.
- [3] If a wireless communication facility or its appurtenances extend above the primary roof of any attachment structure, they must be set back one foot from the edge of the primary roof for each one foot in height above the primary roof which the wireless communication facility extend unless the facility is appropriately screened from view through the use of panels, walls or other screening techniques approved by the Township. Setback requirements shall not apply to a wireless communication facility which is mounted on the exterior of an attachment structure below the primary roof, and which does not protrude more than 18 inches from the side of such attachment structure.

(b) Wireless communication facilities with support structure.

- [1] The maximum height of any wireless communication facility shall be 200 feet.
- [2] The applicant shall demonstrate that the wireless communication facility with support structure is the minimum height required to function satisfactorily within the applicant's grid. No such facility that is taller than this minimum height shall be approved, except to facilitate collocation.
- [3] The measurement of height for the purpose of determining compliance with these requirements shall be from grade and shall include the support structure itself, the base pad and any facilities attached thereto.

(2) Setbacks from base of support structure. If a new support structure is constructed (as opposed to mounting the wireless communication facility on an existing support structure), the minimum distances between the base of the support structure or any guy-wire anchors and any property line or ROW line shall be the largest of the following:

- (a) In residence zoning districts, all wireless communication facilities with support structure shall be set back a minimum distance equal to the height of the wireless communication facility with support structure. If the support structure is self-collapsing, the setback may be reduced to 50 feet, plus one foot for each additional foot in height above 100 feet, provided that it is placed within the setback envelope at a location which the Director of Building and Planning determines will make it least visible from a property or ROW line.

[Amended 1-19-2002 by Ord. No. 3631]

- (b) In Commercial and Manufacturing Zoning Districts, all wireless communication facilities with support structure shall be set back a minimum distance of 25 feet, plus one foot for each additional foot in height above 100 feet. In no case shall the set back from a Residential Zoning District be less than that required if the property were zoned residential.
- (c) These setback provisions shall not apply to Township property.
- (d) Setback requirements may be modified by conditional use if the Board of Commissioners finds that

placement of a wireless communication facility with support structure in a particular location will reduce its visual impact, for example, if adjacent to trees or a structure which may provide a visual screen.

- (3) Support structure safety. The applicant shall demonstrate that the proposed wireless communication facility and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
  - (4) Stealth design. Wireless communication facilities shall be of stealth design, as required by the Township, and must comply with the following standards relating to aesthetics, placement, materials and colors:
    - (a) Attached wireless communication facilities shall be designed and maintained so as to blend in with the existing structure to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility and use of compatible or neutral colors.
    - (b) Attached wireless communication facilities shall be screened in a reasonable and achievable manner.
    - (c) Wireless communication facilities with support structure shall be designed so as to blend in with the existing surroundings feasibly, including the use of compatible colors and disguised structures.
    - (d) Equipment facilities shall, to the extent practicable, use materials, colors and textures that blend in with the natural setting and built environment.
- E. Special standards applicable to all wireless communication facilities other than micro facilities.
- (1) Fencing. A fence shall be required around the wireless communication facility with support structure and other equipment unless the wireless communication facility is mounted on an attachment structure. The fence shall be a maximum of eight feet in height and shall conform to the provisions of § **155-130**.
  - (2) Landscaping. The applicant shall submit a planting plan with its application, preserving existing vegetation on and around the site to the greatest extent possible. The Township will utilize the guidelines of the Natural Features Conservation Code, Chapter **101**, prior to granting approval.
  - (3) In order to reduce the number of wireless communication facilities with support structure in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communication service providers and police, fire and ambulance companies.
  - (4) Support structures shall meet all Federal Aviation Administration (FAA) regulations. No support structure may be artificially lighted except when required by the FAA.
  - (5) Variance. If a variance is requested from the Zoning Hearing Board from any of the requirements of this section, in addition to the normal application requirements, the application for variance shall include the following:
    - (a) A description of how the applicants' construction plan addresses any adverse impact which might occur as a result of approving the variance.
    - (b) A description of off-site or on-site factors which mitigate any adverse impacts which might occur should the variance be granted.
    - (c) A technical study which documents and supports the criteria submitted by the applicant upon which the request for variance is based. Such technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed variance and its relationship to the surrounding ROW and properties.
    - (d) For a variance to the setback requirement, the application shall identify all property where the proposed tower could be located, attempts by the applicant to contact and negotiate an agreement for location or collocation and the result of such attempts.

- F. Standards of special exception approval. If an applicant requires a special exception, it must comply with the provisions of § ~~155-114~~ as well as the following:
- (1) Using technological evidence, demonstrate that the wireless communications facility must go where it is proposed in order to meet the community's need for wireless communication services not presently being met by any wireless communications provider.  
[Amended 12-20-2000 by Ord. No. 3594]
  - (2) Demonstrate that a good faith effort was made to mount antenna array on an existing structure. The applicant shall submit proof that it contacted the owners of tall structures within a one-fourth-mile radius of the site proposed, asked for permission to install the facility on those structures, offered market compensation to such owners and was denied. This would include smokestacks, water towers, tall buildings, support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall, feasible and structurally sound structures.
  - (3) Provide evidence satisfactory to the Zoning Hearing Board that the stealth design of the wireless communication facility effectively minimizes its visual impact and blends with its surroundings.
  - (4) A plan shall be required for all wireless communication facilities showing the antenna array, support structure, building, fencing, buffering, access and such other information as the Township may require to illustrate the relationship between the proposed facility and adjacent structures and property lines.
  - (5) Comply with the general standards of approval for all wireless communication facilities as set forth herein.
  - (6) The owner of any new support structure shall be required to accommodate other users on the support structure, provided that the structure is capable of supporting the additional facilities, the prospective user offers fair market rent and the operation of the additional facilities will not interfere with other communications facilities.
- G. Nonconforming wireless communications facilities. Wireless communication facilities in existence on the date of the adoption of this subsection, which do not comply with the requirements of this section, shall be subject to the provision of § ~~140-10~~.



**ORDINANCE NO. P 11-2015**

**AN ORDINANCE REVISING AND SUPPLEMENTING THE GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD, AS AMENDED, BY REPEALING CHAPTER 154, SIGNS; AMENDING CHAPTER 182, ZONING, BY ADDING A DEFINITION FOR OFF-PREMISES ADVERTISING SIGNS AT §182-106.B; AND AMENDING VARIOUS PROVISIONS OF SECTION 182-701, SIGNS.**

The Board of Commissioners of the Township of Haverford, Delaware County, Pennsylvania does hereby enact and ordain the following:

**ARTICLE I. REPEALING CHAPTER 154, SIGNS**

The General Laws of the Township of Haverford, Chapter 154, *Signs*, is hereby repealed in its entirety.

**ARTICLE II. TEXT AMENDMENTS**

The General Laws of the Township of Haverford, Chapter 182, *Zoning*, is hereby amended as follows:

**A. MODIFICATIONS TO §182-106, DEFINITIONS AND WORD USAGE; INTERPRETATION OF REGULATIONS**

1. §182-106.B is hereby amended by adding the following definitions:

**BILLBOARD**

**A freestanding, off-site advertising sign.**

**SIGN, MONUMENT**

**A freestanding sign constructed so that the maximum height from mean grade measured at points ten (10) feet from the face of the sign to the highest area of the sign face does not exceed four (4) feet.**



**FREESTANDING SIGN**

**A sign and supporting structure which is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, "freestanding signs" may consist of the following:**

**1. A monument sign as defined herein.**

**2. A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.**

2. §182-106.B is hereby amended by revising the following definitions under "SIGN":

**1) SIGN, OFF-SITE ADVERTISING**

A sign which directs attention to, a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than upon the property on which the sign is located. "An **off-site** advertising sign" shall include a billboard.

**(9) ILLUMINATION OF SIGN, DIRECT**

A sign which is designed to give forth artificial light directly or through transparent or translucent material from a source of light within or upon said sign. ~~Illumination intensity shall not exceed 70 footlamberts.~~

**B. MODIFICATIONS TO CHAPTER 182, ZONING, §182-701, SIGN REGULATIONS**

1. §182-701.A, *Applicability*, is hereby amended to read as follows:

**A. Purpose; Applicability.**

**1. Purpose.**

**It is the intent of this article to regulate all signs within the Township to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and**

surrounding environment and to protect public health, safety, and general welfare. In addition, the intent of this section is to:

A. Encourage good design in the context of the overall image and visual environment of the Township.

B. Enhance the appearance of the business community, taking into account the nature of the use, and thus stimulate as well as protect the economic vitality of the Township.

C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.

D. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a safety hazard to pedestrians and motorists.

E. Avoid excessive visual competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.

F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes which the Township is supporting.

G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols which will identify a business or activity efficiently and also enhance the area where the signs are located as well as the general appearance of the street or town.

H. Prevent sign overload and excessively large signs which create a visually chaotic and competitive situation within the business community.

**2. Applicability.**

Any sign hereafter erected in Haverford Township which is exposed to public view shall conform to the provisions of this section and any other ordinance or regulation of Haverford Township or the state or federal government relating to the erection, alternation or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.

**2. §182-701.B (3) is hereby amended to read as follows:**

**(3) No sign shall be erected within or over a public right-of-way other than an official sign or an off-site advertising sign affixed to a transit shelter along the designated route of a public transit agency that is authorized by the authority having control of the public right of way.**

3. §182-701.B (6) is hereby deleted in its entirety.  
~~(6) All signs, other than exempt signs, shall be erected on the same lot as the use to which it pertains.~~
  
4. The provisions of §182-701.G, *Nonconforming or abandoned signs*, are hereby re-labeled to §182-701.I, and the following inserted at subsection G:

**G. Off-site advertising signs.**

**Off-site advertising signs shall be permitted within the following zoning districts when authorized as a special exception by the Zoning Hearing Board following review and recommendation by the Township Planning Commission and subject to the following requirements as well as the general standards at § 182-1004 of this Chapter.**

**(1) In the C-1 Limited Commercial District, as the principal use on a minimum lot size of 12,000 square feet and conditioned upon a finding that the further subsections below have been met.**

**a) Not more than one (1) off-site advertising shall be permitted on the property.**

**b) The off-site advertising sign shall not exceed a total area of sixty (60) square feet.**

**c) The only type of off-site advertising signs permitted in a C-1 District shall be a Monument Sign.**

**d) An off-site advertising sign shall be setback at least twenty (20) feet from any street line and at least fifty (50) feet from any nonresidential property lines to any part of the sign.**

**e) No off-site advertising sign may obstruct free ingress or egress path from a fire escape, door, window or other required exit way, nor may it obstruct pedestrian circulation.**

**f) No part of an off-site advertising sign shall be permitted within seventy-five (75) feet of a residential use or district.**

**g) Sign illumination**

**An off-site advertising sign may be illuminated from 6 am until 11 pm in accordance with the following:**

**(i) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.**

(ii) No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.

(iii) Signs shall provide an automatic timer to comply with the intent of this Section.

(iv) During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.

(v) At all other times, luminance shall be no greater than two hundred fifty (250) nits.

(vi) An off-site advertising sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

(vii) The illumination of an off-site advertising sign must remain static in color and intensity of illumination.

h) No off-site advertising sign may contain words such as "stop," "look," "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters, as determined by the Zoning Officer, which would interfere with, mislead or confuse traffic.

i) A traffic impact study shall be submitted to confirm that the proposed sign will not create distractions for drivers.

j) The message of the off-site advertising sign may not change more frequently than once (1x) every three (3) minutes.

k) No part of an off-site advertising sign may be placed within two thousand (2000) feet of any part of another off-site advertising sign.

l) The owner of an off-site advertising sign shall indemnify the Township of Haverford against any loss or injury sustained as a result of the operation or failure to properly maintain the off-site advertising sign.

m) A removal bond, in an amount necessary to guarantee the removal of any off-site advertising sign and related equipment or electrical connections thereto, shall be posted with the Township of Haverford.

n) No off-site advertising sign shall be posted within three hundred (300) feet of a historic resource as identified in

the Historic Resources Survey of Haverford Township, prepared by the Delaware County Planning Department, of 1994, as adopted by Haverford Township and as may be amended from time to time.

(2) In the C-5 Shopping Center Commercial District as a principal use on a minimum lot size of 3 acres, and conditioned upon a finding that the further subsections below have been met.

- a) The off-site advertising sign shall not exceed a total area of fifty (50) square feet.
- b) The off-site advertising sign shall be limited to seven (7) feet in height measured from the top of the sign to the mean grade measured at points ten (10) feet from the face of the sign.
- c) An off-site advertising sign shall be setback at least twenty (20) feet from any street line and fifty (50) feet from nonresidential property lines to any part of the sign.
- d) No off-site advertising sign may obstruct free ingress or egress path from a fire escape, door, window or other required exit way, nor may it obstruct pedestrian circulation.
- e) No part of an off-site advertising sign shall be permitted within one hundred (100) feet of a residential use or district.
- f) The types of off-site advertising sign structures permitted in the C-5 District are:
  - (i) freestanding sign
  - (ii) monument sign
- g) No off-site advertising sign may contain words such as "stop," "look," "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters as determined by the Zoning Officer, which would interfere with, mislead or confuse traffic.
- h) Sign illumination  
An off-site advertising sign may be illuminated from 6 am until 11 pm in accordance with the following:
  - (i) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare

hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

(ii) No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.

(iii) Signs shall provide an automatic timer to comply with the intent of this Section.

(iv) During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.

(v) At all other times, luminance shall be no greater than two hundred fifty (250) nits.

(vi) An off-site advertising sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

(vii) The illumination of an off-site advertising sign must remain static in color and intensity of illumination.

- i) No off-site advertising sign may be placed within one thousand (1000) feet of another off-site advertising sign.
- j) The owner of an off-site advertising sign shall indemnify the Township of Haverford against any loss or injury sustained as a result of the operation or failure to properly maintain the off-site advertising sign.
- k) A removal bond, in an amount necessary to guarantee the removal of any off-site advertising sign and related equipment or electrical connections thereto, shall be posted with the Township of Haverford.
- l) No off-site advertising sign shall be posted within three hundred (300') of a historic resource as identified in the Historic Resources Survey of Haverford Township, prepared by the Delaware County Planning Department, of 1994, as adopted by Haverford Township and as may be amended from time to time.

**(3) In all zoning districts within a public right of way along the transit route of a public transportation entity only when incorporated into or on a bench or shelter located at a designated stop intended for commuters using the said public transportation.**

**a) Such off-site advertising signs shall not be internally illuminated.**

**b) No off-site advertising sign may contain words such as "stop," "look," "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.**

**c) No off-site advertising sign shall be posted within three hundred (300') of an Historic Resource as identified in the Historic Resources Survey of Haverford Township, prepared by the Delaware County Planning Department, of 1994, as adopted by Haverford Township and as may be amended from time to time.**

**d) The owner of an off-site advertising sign shall indemnify the Township of Haverford against any loss or injury sustained as a result of the operation or failure to properly maintain the off-site advertising sign.**

**e) Sign illumination**

**An off-site advertising sign may be illuminated from 6 am until 11 pm in accordance with the following:**

**(i) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.**

**(ii) No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.**

**(iii) Signs shall provide an automatic timer to comply with the intent of this Section.**

**(iv) During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.**

**(v) At all other times, luminance shall be no greater than two hundred fifty (250) nits.**

**(vi) An off-site advertising sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.**

**(vii) The illumination of an off-site advertising sign must remain static in color and intensity of illumination.**

**ARTICLE III. REPEALER**

Except as specifically hereby amended, the General Laws of the Township of Haverford are hereby ratified and confirmed in their entirety. Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

**ARTICLE IV. SEVERABILITY**

If any provision or part of this Ordinance is held invalid, the remaining provisions or parts of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions or parts to any persons, property or circumstances is held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

**ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.**

**TOWNSHIP OF HAVERFORD**

**ATTEST:**

\_\_\_\_\_  
Lawrence J. Gentile  
Township Manager/Secretary

By: \_\_\_\_\_  
Mario Oliva, President  
Board of Commissioners



## **FOR AGENDA OF MAY, 2015**

Recommend selection of the following contractors for the Community Development Block Grant and HOME programs in accordance with the published Requests for Proposals and the subsequent evaluations:

1. Public Improvements – Pennoni Associates, Inc.
2. Streets – Pennoni Associates, Inc.
3. Rehabilitation Technical – Pennoni Associates, Inc. as primary provider
4. Lead Testing – Leadco Environmental, Inc. as primary provider
5. Appraisals – None
6. Title Services – Philly Sub Searches