

LEGAL NOTICE

Notice is hereby given that the Bridgeton Township Board of Supervisors will hold a public hearing on Tuesday September 13, 2016, at 7:00 p.m. to consider adoption of an Ordinance amending the provisions of the Township's Zoning Ordinance concerning the placement of Telecommunications Facilities in Township Rights-of-Ways. The hearing will be held at the Township offices located at 1370 Bridgeton Hill Road, Upper Black Eddy, Pennsylvania. The full text of the proposed Ordinance is available for inspection at the Township office, and the Bucks County Law Library. All interested parties are encouraged to attend.

BRIDGETON TOWNSHIP
BOARD OF SUPERVISORS
David M. Shafkowitz, Esq.
16 Sunset Avenue
Chalfont, PA 18914

ORDINANCE NO. ____

AN ORDINANCE OF BRIDGETON TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA AMENDING CERTAIN SECTIONS OF THE BRIDGETON TOWNSHIP ZONING ORDINANCE REGARDING THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES IN THE RIGHT(S) OF WAYS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Bridgeton Township, Bucks County, Pennsylvania, as follows:

ARTICLE I.

Section 202 of the Bridgeton Township Zoning Ordinance is hereby amended to add the following:

“Telecommunications Facility.

a.8 Distributed Antenna System (DAS) – network of spatially separated Antenna sites connected to a common source that provides wireless services within a geographical area or structure.

9. Right of Way or ROW – the surface of an space above and below any real property in the Township, in which the Township 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 the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the Right(s) of Way” means in, on, over, along, above and/or under the Right(s) of Way. For the purpose of this ordinance, ROW shall include streets and roads owned by Bucks County, the Commonwealth of Pennsylvania and any other Pennsylvania state agencies.”

ARTICLE II.

Section 402.64 of the Bridgeton Township Zoning Ordinance is hereby amended to add the following:

“d. The following additional regulations shall apply to all Telecommunications Facilities located in the public Right(s)-of-Way:

1. Permitted in Areas in which Utilities are Aboveground. Telecommunications Facilities shall be permitted in areas in which all utilities are located

aboveground, regardless of the underlying zoning district, so long as such Telecommunications Facility is located on existing poles in the ROW. Telecommunications Facilities shall not be located on any sign listed in the Manual on Uniform Traffic Control Devices (MUTCD) nor any traffic signal pole, mast arm device or associated equipment.

2. Co-Location. Telecommunication Facilities in the ROW shall be co-located on existing poles, such as existing utility poles or street light poles. If co-location is not technologically feasible, the Applicant shall locate the Telecommunications Facilities on existing poles that do not already act as support structures for Telecommunication Facilities.

3. Design Requirements:

a. Antenna installations located above the surface grade in the public ROW including, but not limited to, those streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

b. Antennae and all support equipment shall be treated to match the supporting structure. Antennae and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted. Antennae must be located using stealth technology as approved by the Township. No more than four (4) antennae may be placed on a pole.

4. Reimbursement for ROW Use. In addition to permit fees as may be required by the Township fee schedule, every Telecommunications Facility in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for the use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspection, permitting, supervising and ROW management activities in the Township. The owner of each Telecommunications Facility shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for the Telecommunications Facility shall be determined by the Township and authorized by resolution of the Township Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such Telecommunications Facility.

5. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Telecommunications Facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code, as applicable.

6. Equipment Location. Telecommunications Facilities and accessory equipment shall be located so as to not cause any physical or visual obstructions to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience the public use of the ROW as may be determined by the Township. In addition:

a. In no case shall ground mounted equipment, walls or landscaping be located within thirty-six (36) inches of the exposed back of curb or within an easement extending onto a privately owned lot;

b. Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features, in a manner satisfactory to the Township;

c. Required electrical meter cabinets shall be screened in with the surrounding area, in a manner satisfactory to the Township;

d. Any graffiti on the facilities, supporting structures or any accessory equipment shall be removed at the sole expense of the owner within ten (10) days written notice from the Township;

e. Any plans for a proposed underground vault related to the Telecommunications Facility shall be reviewed and approved in advance, by the Township.

7. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township deems necessary, or such shorter period in the case of an emergency, an owner of a Telecommunications Facility in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Telecommunication Facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

a. the construction, repair, maintenance or installation of any Township or other public improvements in the Right of Way;

b. The operations of the Township or other governmental entity in the Right of Way;

c. Vacation of a street or road or the release of a utility easement; or

d. An emergency, as may be determined by the Township in its sole and absolute discretion.

8. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Telecommunications Facility in the ROW, if the Township determines that the visual impact, design or safety considerations are not in the best interest of the Township or the area in which the Telecommunications Facility is proposed.

9. No Communications Tower/Pole shall be permitted in the Right of Way.

ARTICLE II Repealer

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby appealed.

ARTICLE III. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Bridgeton Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included therein.

ARTICLE IV. Effective Date

This Ordinance shall become effective five (5) days after its adoption

ENACTED AND ORDAINED, after due notice and a public hearing this ___ day of _____, 2016, by the Board of Supervisors of Bridgeton Township.

**BRIDGETON TOWNSHIP
BOARD OF SUPERVISORS**

