

ARTICLE XXXVII¹
Wireless Communications
[Added 7-16-08 Ord. No. 1011]

§ 180.138. Wireless Communications.

Wireless communications include the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signal. WIRELESS COMMUNICATIONS ANTENNAS, WIRELESS COMMUNICATIONS FACILITIES, and WIRELESS COMMUNICATIONS TOWERS required for wireless communications shall be located and constructed in accordance with the standards and criteria of this Chapter.

180.138.1. WIRELESS COMMUNICATIONS ANTENNAS.

WIRELESS COMMUNICATIONS ANTENNAS shall be a PERMITTED USE in all DISTRICTS when mounted onto existing BUILDINGS and STRUCTURES. The location shall be remote from the STREET as practical and discreetly disguised from public view.

180.138.1.1. Location.

180.138.1.1.1. WIRELESS COMMUNICATIONS ANTENNAS shall not be located on any SINGLE-FAMILY DWELLING, two-family dwelling, TOWNHOUSE DWELLING UNIT, or structure located on a SINGLE-FAMILY DWELLING LOT.

180.138.1.1.2. No portion of any WIRELESS COMMUNICATIONS ANTENNA, COMMUNICATIONS EQUIPMENT CABINETS or accessory equipment shall be erected within or over any REQUIRED YARD AREA of the applicable DISTRICT, or public right-of-way.

180.138.1.1.3. COMMUNICATIONS EQUIPMENT CABINETS and accessory equipment shall be located within, on, or immediately adjacent to the BUILDING OR STRUCTURE to which the WIRELESS COMMUNICATIONS ANTENNA is attached.

¹This Article XXXVII created 7/16/08 by Ordinance No. 1011; previous Article XXXVII renumbered to XXXVIII.

180.138.1.2. Standards.

WIRELESS COMMUNICATIONS ANTENNAS, COMMUNICATIONS EQUIPMENT CABINETS and accessory equipment shall be installed in accordance with the standards and criteria of this Chapter.

180.138.1.2.1. WIRELESS COMMUNICATIONS ANTENNAS mounted onto a BUILDING or STRUCTURE shall be permitted to exceed the height limitations of the applicable DISTRICT by no more than twenty (20) feet.

180.138.1.2.2. Omni-directional or whip WIRELESS COMMUNICATIONS ANTENNAS shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

180.138.1.2.3. Directional or panel WIRELESS COMMUNICATIONS ANTENNAS shall not exceed a surface area of sixteen (16) square feet.

180.138.1.2.4. WIRELESS COMMUNICATIONS ANTENNAS shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation, and shall not cause interference with other communications systems.

180.138.1.2.5. The owner or operator of the proposed WIRELESS COMMUNICATIONS ANTENNA shall submit all applicable and required documentation.

180.138.1.2.5.1. Verification of licensing by the Federal Communications Commission.

180.138.1.2.5.2. Detailed construction and elevation drawings shall be prepared by a licensed design professional illustrating how the antenna will be mounted onto the BUILDING or STRUCTURE, and indicating compliance with the requirements of Chapter 78 of the BOROUGH Code and this Chapter.

180.138.1.2.5.3. Certification from a licensed Professional Engineer that the proposed installation will not exceed the structural capacity of the BUILDING or STRUCTURE considering wind and other loads associated with the antenna location.

180.138.1.2.5.4. All recorded agreements and easements needed for the construction and maintenance

180-Article XXXVII-2

of the antenna and communications equipment.

180.138.2. WIRELESS COMMUNICATIONS FACILITIES.

WIRELESS COMMUNICATIONS FACILITIES shall be considered and may be authorized by COUNCIL as a CONDITIONAL USE when located within a Civic or Commercial DISTRICT provided all of the following standards and criteria of this Chapter are met.

180.138.2.1. Location.

180.138.2.1.1. WIRELESS COMMUNICATIONS FACILITIES shall be located a minimum distance from any RESIDENTIAL AREA of one hundred (100) feet or the height of the WIRELESS COMMUNICATIONS TOWER, whichever is greater.

180.138.2.1.2. WIRELESS COMMUNICATIONS FACILITIES shall be located at least twenty-five (25) feet from any LOT LINE, and shall not be located within any REQUIRED YARD AREA.

180.138.2.1.3. WIRELESS COMMUNICATIONS FACILITIES may be located on a LOT occupied by other principal STRUCTURES and may occupy a leased parcel within a LOT provided that the LOT meets the minimum LOT size requirements for the DISTRICT and does not adversely affect the principal use of the LOT, including the SITE PLAN, parking provisions and traffic circulation.

180.138.2.2. Standards.

180.138.2.2.1. The perimeter of the WIRELESS COMMUNICATIONS FACILITY shall be completely enclosed and secured with a chain-link fencing system with a height of eight (8) feet.

180.138.2.2.2. There shall be reserved a strip of land on all sides of the WIRELESS COMMUNICATIONS FACILITY for SCREENING purposes.

180.138.2.2.2.1. The entire perimeter of the WIRELESS COMMUNICATIONS FACILITY shall be permanently landscaped with suitable SCREENING and shall obstruct the view of the WIRELESS COMMUNICATIONS FACILITY and COMMUNICATIONS EQUIPMENT BUILDINGS from any STREET or adjacent LOT.

180.138.2.2.2.2. The strip for SCREENING shall be a constant depth of at least fifteen (15) feet to serve as a buffer.

180.138.2.2.2.3. SCREENING shall be installed and maintained by the WIRELESS COMMUNICATIONS FACILITY owner.

180.138.2.2.2.4. SCREENING shall be installed in accordance with accepted landscaping practices, and shall be maintained in an attractive and healthy manner.

180.138.2.2.3. Access shall be provided to the WIRELESS COMMUNICATIONS FACILITY by means of a public STREET or easement from a public STREET. The easement shall be a minimum of twenty-five (25) feet in width and shall be improved for a width of at least twenty (20) feet with a dust-free, all weather surface over its entire length, and shall meet the approval of the Whitehall Fire Chief/Code Official.

180.138.3. WIRELESS COMMUNICATIONS TOWERS.

WIRELESS COMMUNICATIONS TOWERS shall be considered and may be authorized by COUNCIL as a CONDITIONAL USE when constructed as part of a WIRELESS COMMUNICATIONS FACILITY, and provided all of the following standards and criteria of this Chapter are met.

180.138.3.1. Location.

WIRELESS COMMUNICATIONS TOWERS shall be located within the fenced enclosure of the WIRELESS COMMUNICATIONS FACILITY, and shall not be located within any REQUIRED YARD AREA.

180.138.3.2. Standards.

WIRELESS COMMUNICATIONS TOWERS shall be constructed in accordance with the following standards and criteria of this Chapter.

180.138.3.2.1. WIRELESS COMMUNICATIONS TOWERS shall not exceed a height of one hundred and fifty (150) feet. The height shall be the vertical distance measured from the ground level to the highest point on the communications tower, including antennas mounted on the tower.

180.138.3.2.2. The WIRELESS COMMUNICATIONS TOWER shall comply with all applicable Federal Aviation Administration, Pennsylvania Bureau of Aviation, and all other applicable airport and air traffic regulations.

180.138.3.2.3. No signs or lights shall be mounted on a WIRELESS COMMUNICATIONS TOWER, except as may be required by the Federal Communications Commission, Federal Aviation

Administration, or other governmental agency that has jurisdiction.

180.138.3.2.4. The owner or operator of the proposed WIRELESS COMMUNICATIONS ANTENNA shall submit all applicable and required documentation.

180.138.3.2.4.1. Verification of licensing by the Federal Communications Commission for a WIRELESS COMMUNICATIONS ANTENNA.

180.138.3.2.4.2. Certification from a licensed Professional Engineer that the proposed WIRELESS COMMUNICATIONS TOWER will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association, and applicable requirements of Chapter 78 of the BOROUGH CODE, and this Chapter.

180.138.4. APPROVALS AND PERMITS.

180.138.4.1. A Permit shall be obtained prior to the installation, construction or alteration of any WIRELESS COMMUNICATIONS ANTENNA or antenna system.

180.138.4.2. A Permit shall be obtained prior to the installation, construction or alteration of any WIRELESS COMMUNICATIONS FACILITY, WIRELESS COMMUNICATIONS TOWER, or COMMUNICATIONS EQUIPMENT BUILDING.

180.138.4.3. The Permit application shall include required documentation.

180.138.4.3.1. The Permit application shall include documentation to demonstrate that the WIRELESS COMMUNICATIONS ANTENNA, WIRELESS COMMUNICATIONS FACILITY, WIRELESS COMMUNICATIONS TOWER, and COMMUNICATIONS EQUIPMENT BUILDING design meets the requirements of Chapter 78 of the BOROUGH Code, this Chapter, and all other applicable law.

180.138.4.3.2. The applicant shall provide a detailed SITE PLAN identifying the proposed location of any WIRELESS COMMUNICATIONS ANTENNA, WIRELESS COMMUNICATIONS FACILITY, WIRELESS COMMUNICATIONS EQUIPMENT BUILDING, enclosure fence, and all STRUCTURES and features on the LOT and adjacent properties. The SITE PLAN shall be prepared and certified by a licensed design professional.

180.138.4.4. The owner of the WIRELESS COMMUNICATIONS TOWER shall comply with the following:

180.138.4.4.1. Upon completion of a WIRELESS COMMUNICATIONS TOWER installation and at a minimum of every five (5) years thereafter, the owner of the WIRELESS COMMUNICATIONS TOWER shall cause a structural inspection of the WIRELESS COMMUNICATIONS TOWER to be performed, and shall provide a report to the BOROUGH. The report shall be prepared and certified by a licensed Professional Engineer, and shall certify that the WIRELESS COMMUNICATIONS TOWER is structurally sound.

180.138.4.4.2. If a WIRELESS COMMUNICATIONS TOWER remains unused for a period of 12 consecutive months, the owner shall dismantle and remove the WIRELESS COMMUNICATIONS TOWER within 12 months of the expiration of such 12-month period.

180.138.4.5. Approval of the CONDITIONAL USE for a WIRELESS COMMUNICATIONS FACILITY shall be valid for twelve (12) months from the date of Approval by COUNCIL. If a valid Permit in accordance with the complete terms and conditions of the Approval by COUNCIL is not obtained within twelve (12) months, the Approval of the CONDITIONAL USE shall become void.

180.138.4.6. Any person, owner or operator found in violation of this Chapter, as amended, shall be subject to civil enforcement penalties as set forth in the BOROUGH Code or any other legal or equitable remedies under applicable law.