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PART 1

APPROVAL OF PLANS FOR OPENING OF ROADS

§ 21-101. Submission of Plans Required. [Ord. 18, 2/4/1970, § 1]

No person, firm or corporation shall construct or build, open or dedicate, any road, street or any drainage facilities in connection therewith for public use and travel in the Township of Earl, without first submitting plans therefor to the Supervisors of said Township for their approval.

§ 21-102. Plan Requirements. [Ord. 18, 2/4/1970, § 2]

All plans for said roads, streets or drainage facilities in connection therewith shall be prepared in duplicate in accordance with rules and regulations which may be prescribed from time to time by the Supervisors, which shall indicate the following features thereof:

1. The profile of said road or street.
2. The course, distance, structure and capacity of any drainage facilities.
3. The method of drainage of the adjacent and contiguous territory and any other information which may be required by the rules promulgated by the Supervisors from time to time.

§ 21-103. Public Hearings. [Ord. 18, 2/4/1970, § 3]

Before acting on any plans so submitted to them, the Supervisors may, in their discretion, arrange for public hearings, after giving such notice thereof, as they may deem necessary or desirable in each case. The Supervisors may alter such plans and specify and changes or modifications thereof which they, in their discretion, deem

necessary with respect thereto, and may make the approval of plan so submitted to any such alterations, changes or modifications.

§ 21-104. Plans Signed in Duplicate. [Ord. 18, 2/4/1970, § 4]

Any plans, when the same are approved, shall be signed in duplicate by the Supervisors and an approved duplicate copy thereof shall be filed with the Secretary of the Township, who shall make the same available for public inspection.

§ 21-105. Costs Paid by Landowners/Developers. [Ord. 18, 2/4/1970, § 5]

All of the costs of preparation of plans, laying out, constructing and building said streets or roads shall be paid by the landowners and/or developers, without any reimbursement of any type by the Township of Earl.

§ 21-106. Street Requirements. [Ord. 18, 2/4/1970, § 6; as amended by Ord. 2-1997, 4/7/1997, § 1]

All roads or streets shall be laid out in the widths and in the fashion as prescribed by the Supervisors and any other governmental agency having jurisdiction thereover including, but not limited to, the Lancaster County Planning Commission and Earl Township Planning Commission or any other agencies. Said streets or roads shall be built according to the following specifications:

- A. All streets shall be at least 33 feet in width, unless a wider street is required by any governmental regulation.
- B. All streets shall be furnished to a width of at least 28 feet of cartway, unless a wider width is required or another width is approved through a waiver.
- C. All streets shall be built as follows:
 - (1) All streets in residential areas must have an eight inch subbase, 2 1/2 ID2 binder and 1 1/2 inch ID2 wearing course.
 - (2) All streets in a commercial/industrial area must have a 10 inch subbase, three inches ID2 binder and 1 1/2 inch wearing course.
- D. The surface of said streets or roads shall be a minimum of three inches of ready mixed asphalt or bituminous road material of an approved type.

§ 21-107. Upon Completion of Construction. [Ord. 18, 2/4/1970, § 7]

Upon the completion of construction of any such streets or roads in the Township of Earl in accordance with the plans approved therefor by the Supervisors, and upon said streets or roads meeting the approval of the Commonwealth of Pennsylvania, through its approved agencies, and upon the occupancy of at least two properties along said road or street, then the Township of Earl shall accept a Deed of Dedication for the said streets or roads so constructed. The cost of conveyance of said street or roads shall be borne by the owner or developer thereof.

§ 21-108. Upon Acceptance of Street Township Will be Responsible for All Costs. [Ord. 18, 2/4/1970, § 8]

Upon the acceptance of a Deed of Dedication for any such streets or roads, all future costs of maintenance, and construction or repair shall be borne by the Township of Earl.



PART 2

REGULATING STREET OPENINGS (EXCAVATIONS)**§ 21-201. Permit Required. [Ord. 26, 5/7/1974, § 1]**

In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

§ 21-202. Application for Permit. [Ord. 26, 5/7/1974, § 2]

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

§ 21-203. Issuance of Permit. [Ord. 26, 5/7/1974, § 3]

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

§ 21-204. Written Notice. [Ord. 26, 5/7/1974, § 4]

Upon completion of the work, the applicant shall give written notice thereof to the Township.

§ 21-205. Inspection. [Ord. 26, 5/7/1974, § 5]

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost.

§ 21-206. (Reserved) [Ord. 26, 5/7/1974, § 6; as amended by Ord. 1989-2, 6/5/1989; and as repealed by Ord. 4-1996, 7/1/1996, § 2]



PART 3

SNOW EMERGENCY REGULATIONS

§ 21-301. Unlawful to Park Vehicle on Any Street Once Snow Has Begun to Fall. [Ord. 3-1995, 1/3/1995, § 1]

Following the effective date of this Part, it shall be unlawful to park, or allow to be parked, any motor vehicle or other vehicle on any street or road which is part of the Township system, after the start of a snow fall and until the snow has stopped falling and the snow has been completely plowed for the full width of the cartway.

§ 21-302. Authority to Tow Away Vehicle; Payment of Towing Fees. [Ord. 3-1995, 1/3/1995, § 2]

Any member of the Earl Township Police Department, or any employee of Earl Township engaged in road work, is hereby authorized to have removed any vehicle abandoned or parked upon any public highway or street in violation of the terms and provisions of this Part, and to take any said vehicle to the nearest garage or other place of safety. The registered owner of any said vehicle shall be notified of the fact of the removal and of the place to which said vehicle has been removed, where he or she may obtain the same upon payment of any and all towing and storage charges. Neither the Township nor any of its officers or employees shall be held responsible for any damage to any vehicle occurring as a result of towing and/or storage of a vehicle parked in violation of this Part.

§ 21-303. (Reserved)¹**§ 21-304. (Reserved)²****§ 21-305. Penalty. [Ord. 3-1995, 1/3/1995, § 5]**

Any person violating any of the provisions of this Part shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than \$50 and not more than \$100 and the cost of prosecution, such fines to be collected as like fines are now collected by law, and in default shall undergo imprisonment not exceeding 30 days.

1. Editor's Note: Former § 21-303, Unlawful to Throw Snow on Any Public Street (Ord. 3-1995, 1/3/1995, § 3), was repealed by Ord. 2012-01, 2/6/2012. See now Part 6 of this Chapter.

2. Editor's Note: Former § 21-304, Unlawful to Cover Fire Hydrants (Ord. 3-1995, 1/3/1995, § 4), was repealed by Ord. 2012-01, 2/6/2012. See now Part 6 of this Chapter.



PART 4
DRIVEWAYS

§ 21-401. Definitions and Word Usage. [Ord. 4-1998, 8/3/1998, § 28-1]

For the purpose of this Part, the following terms shall have the meanings ascribed thereto, except where the context thereof clearly indicates another meaning:

BOARD — The Board of Supervisors of Earl Township, Lancaster County, Pennsylvania.

CARTWAY — The traveled portion of any road.

CODE ENFORCEMENT OFFICER — The official designated by the Board of Supervisors to enforce the provisions of this Part and shall be the current Zoning Officer of the Township or his/her designee.

CONTRACTOR — The person who or which installs a driveway, including all agents, officers or employees of said person.

DRIVEWAY — Any lane, path or other area of land used by the owner or occupant of property within the Township as means of access to and from the cartway of a public road.

OWNER — The owner and his or her heirs and assigns of the land upon which the driveway is located.

PennDOT — The Department of Transportation of the Commonwealth of Pennsylvania and any successor agency.

PERSON — An individual, group of individuals, partnership, corporation or association, whether incorporated or otherwise, and any legally recognized entity and the officers of such corporation and the members of such partnership or association.

RIGHT-OF-WAY — The total width, including the cartway, of a road.

ROAD — Any road, street, alley, paved or unpaved or other thoroughfare owned or maintained by the Township as part of its public road system or offered for dedication to the Township.

TOWNSHIP — The Township of Earl, Lancaster County, Pennsylvania.

§ 21-402. Permit Required. [Ord. 4-1998, 8/3/1998, § 28-2]

1. No person, owner and/or contractor shall hereafter install a driveway or any portion thereof without first obtaining a permit from the Township.

2. No person, owner and/or contractor shall hereafter reconstruct, repair or resurface (excluding adding stone to an existing unpaved driveway and application of liquid sealers to an existing driveway) a driveway or portion thereof on or within any Township right-of-way in a manner that will increase the area or intensity.

§ 21-403. Expiration of Permit. [Ord. 4-1998, 8/3/1998, § 28-3]

A permit issued under this Part shall be valid for 12 months from the date of issuance. The Code Enforcement Officer may, at his or her decision, grant one extension of the permit for up to six months upon written application of the person to whom the permit was issued prior to the expiration of the permit. The application for extension must indicate good cause for the failure to complete work within the twelve-month time period. A permit shall not expire while a request for an extension is pending.

§ 21-404. Posting of Permit. [Ord. 4-1998, 8/3/1998, § 28-4]

The permit granted under this Part shall be posted at the right-of-way line so as to be visible from the roadway. The permit shall remain posted until final approval of the work has been given.

§ 21-405. Design Requirements. [Ord. 4-1998, 8/3/1998, § 28-5]

1. The grade and construction of all driveways shall be in accordance with the standards and specifications which are attached hereto, marked Exhibit A, and incorporated herein by reference thereto.³
2. The sight distance for all driveways shall comply with the requirements for State highways prescribed by the Pennsylvania Department of Transportation as codified at 67 Pa.Code § 441.8, and any amendments and addenda thereto.
3. The Township will only permit the use of drainage pipes under a driveway if all of the following conditions are met:
 - A. It is impossible or impractical to maintain drainage flow without a pipe.
 - B. Calculations are submitted to the Township showing that the proposed pipe will have a capacity equal to or greater than the existing gutter or that such pipe will pass a ten-year storm from the drainage area without flooding the roadway. Runoff calculations shall be based upon the United States Department of Agriculture Soil Conservation Service Soil-Cover Complex method, the rational formula of $Q = CIA$ or other method acceptable to the Township Engineer. All pipes to be installed shall have a minimum diameter of 15 inches.

3. Editor's Note: Exhibit A is included at the end of this Chapter.

- C. The owner agrees, in writing to maintain the pipe in good condition free of debris and siltation.
 - D. The owner agrees, in writing, to relocate and/or replace the pipe if at some future date the Township improves or widens the public road requiring such relocation and/or replacement.
- 4. As part of the driveway construction, the owner shall provide bituminous paving extending for a minimum distance of 10 feet from the edge of any paved cartway to the owner's property. The paving shall consist of a minimum eight-inch stone base course and a 2 1/2 inch bituminous course or equal paving approved by the Township. The swale should be maintained or the pipe shall be located four feet from the edge of the cartway or as otherwise directed by the Code Enforcement Officer.
 - 5. The provisions of this Part relating to driveways are intended as a minimum standard for the protection of public health, safety and welfare. If the literal compliance with any mandatory provision of this Part relating to driveways is shown by the applicant, to the satisfaction of the Board, to be unreasonable or to cause undue hardship as it applies to a particular property or if the applicant shows that an alternative proposal will allow for equal or better results, the Board may grant a waiver from such mandatory provisions so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Part. In granting waivers, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Part.

§ 21-406. Application Procedure. [Ord. 4-1998, 8/3/1998, § 28-6]

- 1. Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied and approved by the Township, reflecting and showing the location of the driveway relative to the premises and designate the course, grade, structure, material and drainage facilities, if any, involved in the construction of the driveway.
- 2. The application shall be reviewed by the Code Enforcement Officer and may be reviewed by the Township Engineer or Road Foreman to determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will minimize the adverse impact of stormwater runoff or surface drainage is to be connected and not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected. If found satisfactory by the Code Enforcement Officer, Road Foreman or Township Engineer, the Code Enforcement Officer will issue or cause to be issued a the permit.
- 3. If the plan is found deficient or if, in the opinion of the Code Enforcement Officer, Road Foreman or Township Engineer, the plan could be modified so

as to minimize the adverse effect of stormwater runoff or to lessen drainage to the public road to which the driveway is to be connected or to lessen hazardous driving conditions on the road to which the driveway is to be connected, the Code Enforcement Officer, Road Foreman or Township Engineer shall, by written communication to the owner, notify him or her of the changes to be made. The applicant shall make such changes and return the revised plan to the Township. When such plan is in acceptable form, the Code Enforcement Officer shall approve the plan and will issue or cause to be issued the permit. If the applicant refuses to make such changes, the application shall be deemed denied for the reasons set forth in the written communications, and the date of the written communication shall be the date of the denial of the application.

4. The applicant may appeal a denial of an application to the Board. The appeal shall be made within 10 days to the Board by filing written notice of the appeal with the Secretary of the Township. The Board shall thereafter hold a hearing and render a decision on the refusal to issue a permit pursuant to the provision of the Local Agency Law, 2 Pa.C.S.A. § 551 et seq.
5. Each driveway, whether serving the same premises or not, shall require an individual permit.

§ 21-407. Fees. [Ord. 4-1998, 8/3/1998, § 28-7]

The application shall be accompanied by such fee or fees as the Board shall prescribe from time to time by resolution or ordinance not exceeding the approximate reasonable cost of processing and reviewing the application and making necessary inspections.

§ 21-408. Zoning Permit. [Ord. 4-1998, 8/3/1998, § 28-8]

A permit under this Part shall be applied for and obtained prior to the application for a permit to commence the excavation for or the construction or erection of any structure regulated by the Zoning Ordinance of Earl Township [Chapter 27], as amended.

§ 21-409. Construction. [Ord. 4-1998, 8/3/1998, § 28-9]

1. All construction in any way incidental to the installation of the driveway or for the repair of a driveway for which a permit is required under this Part shall be performed in strict conformance with the approved plans. After the proposed driveway has been stoned in but before the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Code Enforcement Officer or Road Foreman. The driveway shall not be final surfaced until the stoned-in area has been inspected and approved by the Code Enforcement Officer or Road Foreman or their designated representative. In the event that the owner and/or contractor fails to notify the Code Enforcement Officer or Road Foreman prior to placing the final surface the Township may direct the owner and/or contractor to remove the

final surface in order that the inspection may be completed. Such removal shall be at no expense to the Township. After the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Code Enforcement Officer or Road Foreman.

2. The contractor shall utilize procedures and/or traffic control devices as necessary for the maintenance and protection of traffic in strict accordance with PennDOT Publication 203, "Work Zone Traffic Control," unless otherwise directed, in writing, by the Code Enforcement Officer.

§ 21-410. Liability. [Ord. 4-1998, 8/3/1998, § 28-10]

The grant of a permit under this Part shall not constitute a representation, guaranty or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed driveway and shall create no liability upon the Township or its official or employees.

§ 21-411. Violations and Penalties. [Ord. 4-1998, 8/3/1998, § 28-11]

If the Board of Supervisors or the officer designated to enforce this Part by the Board of Supervisors determines that a person has committed or permitted the commission of a violation of this Part, the Board of Supervisors or such enforcement officer shall inform such person in writing of the violation, shall notify such person to cease the violation of this Part and shall inform such person that he or she must pay a civil penalty to the Township within the range of amounts set forth below to settle the violation. The penalty for a first offense shall not be less than \$50 and not more than \$600; and the penalty for a second offense shall be not less than \$100 and not more than \$600; and the penalty for a third or greater offense shall not be less than \$200 and not more than \$600. If such person fails or refuses to remit the penalty to the Township within 10 days from the date of the written notice of the violation of this Part, the Township may commence a civil enforcement proceeding seeking penalties and costs for the violation of this Part and/or may commence an action in equity. The Township shall seek a judgment for the penalty previously imposed, together with additional daily penalties for continuing violations, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement proceedings. Each day that a violation continues shall constitute a separate violation, and each section of this Part which is violated shall constitute a separate violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

§ 21-412. Remedies. [Ord. 4-1998, 8/3/1998, § 28-12]

In addition or in lieu of the penalties provided in § 21-411, violations of this Part may be abated by the Township proceeding against the violator in court of equity to obtain injunctive relief.

§ 21-413. Limitations. [Ord. 4-1998, 8/3/1998, § 28-12]

Nothing in this Part shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any permit issued or

approval granted or any cause or causes of action arising prior to the enactment of this Part.

PART 5

RESTRICTIONS ON USE OF LAND WITHIN THE PUBLIC RIGHT-OF-WAY**§ 21-501. Disturbing Lands Near Roads. [Ord. 2010-01, 1/4/2010]**

1. No persons shall hereafter plow, cultivate, harrow, plant or in any way disturb the area within the Township's right-of-way (ROW) or a minimum of five feet from the edge of the improved cartway.
2. In addition, when deemed necessary and in the interest of public safety or for the purpose of routine ROW maintenance, the Township may remove encroachments within the right-of-way.

§ 21-502. Depositing Debris on or Near Road. [Ord. 2010-01, 1/4/2010]

No persons shall deposit fieldstone, rocks, trash, grass, yard waste or debris of any kind within the improved street cartway or within any portion of the Township street right-of-way.

§ 21-503. Removal of Debris. [Ord. 2010-01, 1/4/2010]

Any person who deposits or allows to be deposited any mud, dirt, silt or manure or any other debris within the improved street cartway or within any portion of the street right-of-way, whether accidentally or otherwise, shall immediately remove the same.

§ 21-504. Drainage or Discharge. [Ord. 2010-01, 1/4/2010]

No person shall drain or permit the drainage or discharge of swimming pools, sump pumps, downspouts or any other facility in a manner in which drains or discharges liquid or other substances onto the cartway of any Township or state road that in any manner causes unsafe conditions for motorists or pedestrians.

§ 21-505. Maintenance of Improvements Within the Public Right-of-Way. [Ord. 2010-01, 1/4/2010]

Persons who install shrubbery, or other similar plantings and landscaping, fences, or similar improvements within the public right-of-way shall do so with the understanding that persons shall immediately remove such items from the public right-of-way when requested to do so by the Township. The Township shall not be liable for any damages to improvements installed within its right-of-way when plowing snow, maintaining cartways or other facilities within the right-of-way, or performing other functions.

§ 21-506. Penalties and Enforcement. [Ord. 2010-01, 1/4/2010]

Any person who has violated or permitted the violation of any provision of this Part shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600, plus all court costs, including

reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall be imposed until the date of determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

PART 6

SNOW AND ICE REMOVAL

§ 21-601. Snow and Ice to be Removed from Sidewalks. [Ord. 2012-01, 2/6/2012]

The owner of every property fronting upon or alongside of any of the streets in Earl Township shall remove or cause to be removed from all the sidewalks in front of or alongside of such property all snow and ice thereon fallen or formed, within 12 hours after the same shall have ceased to fall or to be formed. Provided, snow or ice that has ceased to fall or to be formed after 6:00 p.m. of any evening may be removed at any time before 10:00 a.m. of the following morning. Provided, further, the owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by the owner, is vacant, or is occupied by a third party.

§ 21-602. Authority for Township to Remove Snow and Ice and Collect Costs and Additional Amount. [Ord. 2012-01, 2/6/2012]

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 21-601 of this Part within the time limit prescribed therein, the Township authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect the expenses of such removal, with an additional amount of 10% from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under § 21-605.

§ 21-603. Responsibility for Removal from Roofs. [Ord. 2012-01, 2/6/2012]

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway, or other public way. Such work shall be completed within a reasonable time, but not later than 12 hours after the cessation of any fall or accumulation of snow, sleet, or freezing rain.

§ 21-604. Deposit of Snow and Ice Restricted. [Ord. 2012-01, 2/6/2012]

No person shall deposit, dump, throw, shovel, pile or push, or cause to be deposited, dumped, thrown, shoveled, piled or pushed, any snow or ice on or immediately next to a fire hydrant or on any roadway, public highway, street, sidewalk, or loading and unloading area of a public transportation system, except that snow and ice may be mounded by the Township on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

§ 21-605. Penalties. [Ord. 2012-01, 2/6/2012]

Any person violating any of the provisions of this Part shall, upon summary conviction before a District Magistrate, be sentenced to pay a fine of not less than \$50 and not more than \$100 and the cost of prosecution, such fines to be collected as

like fines are now collected by law, and in default shall undergo imprisonment not exceeding 30 days.

PART 7

SMALL WIRELESS FACILITIES

§ 21-701. Purpose and Intent. [Ord. No. 2022-01, 3/7/2022]

1. The purpose of this Part is to establish procedures and standards consistent with all applicable federal and state laws, for the consideration, permitting, siting, construction, installation, co-location, modification, operation, regulation and removal of small wireless facilities ("SWF") in the public right-of-way of streets and roads.
2. The intent of this Part is to:
 - A. Establish basic criteria for applications to install and/or co-locate SWF in the public right-of-way;
 - B. Ensure that SWF are appropriately designed, constructed, modified, maintained, and removed when no longer in use in conformance with all applicable health and safety regulations;
 - C. Preserve the character of the Township by minimizing the potentially adverse visual impact of SWF through careful design, siting, landscaping and camouflaging techniques to blend these facilities into their environment to the maximum extent practicable;
 - D. Establish an application process and structure for payment of fees and charges to be uniformly applied to all applicants, operators and owners of SWF for such facilities;
 - E. Comply with, and not conflict with or preempt, all applicable state and federal laws, as may be amended or superseded, and all FCC rules and regulations to interpret and implement applicable federal statutes; and
 - F. Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain city corridors, and other public ways and places.
3. Zoning. Applications to co-locate a small wireless facility or install or modify an associated utility pole in the rights-of-way shall be treated as a permitted use pursuant to Act 50 of 2021, the Small Wireless Facilities Deployment Act,⁴ and exempt from local zoning where required by the Act. Any other wireless facilities not meeting the definition of a small wireless facility shall remain subject to applicable zoning requirements.

4. Editor's Note: 53 P.S. § 11704.1 et seq.

4. This Part is intended to implement the requirements of the Small Wireless Facilities Deployment Act.⁵ Failure of the Township to include all language set forth in that Act in this Part does not constitute a waiver of any rights under the Act.

§ 21-702. Applicability. [Ord. No. 2022-01, 3/7/2022]

The provisions of this Part shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated new utility poles with small wireless facilities attached.

§ 21-703. Definitions. [Ord. No. 2022-01, 3/7/2022]

The following words and phrases when used in this Part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

ANTENNA — Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

APPLICABLE CODES — Any of the following:

1. Uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.
2. Earl Township zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances.

APPLICANT — A communications service provider that submits an application.

APPLICATION — A request submitted by an applicant to the Township;

1. For a permit to co-locate small wireless facilities; or
2. To approve the installation, modification or replacement of a utility pole with small wireless facilities attached.

CABLE FACILITY — Buildings, other structures and equipment used by the owner or operator of a cable television system to provide service. As used in this definition, the term "cable system" shall have the meaning given to it in Section 602(6) of the Cable Communications Policy Act of 1984 [Public Law 98-549, 47 U.S.C. § 522(7)].

CO-LOCATION or CO-LOCATE — To install, mount, maintain, modify or replace small wireless facilities on an existing utility pole or other wireless support structure.

5. Editor's Note: 53 P.S. § 11704.1 et seq.

CODE ENFORCEMENT OFFICER — The person designated by the Township Board of Supervisors to administer this Part.

COMMUNICATIONS FACILITY — A set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide a communications service.

COMMUNICATIONS SERVICE PROVIDER — Any of the following:

1. A cable operator as defined in Section 602(4) of the Cable Communications Policy Act of 1984 [Public Law 98-549, 47 U.S.C. § 522(5)].
2. A provider of information service as defined in Section 3(20) of the Communications Act of 1934 [48 Stat. 1064, 47 U.S.C. § 153(24)].
3. A telecommunications carrier as defined in Section 3(44) of the Communications Act of 1934 [47 U.S.C. § 153(51)].
4. A wireless provider.

DECORATIVE POLE — A municipal pole that is specially designed and placed for aesthetic purposes.

FCC — The Federal Communications Commission.

HISTORIC DISTRICT OR BUILDING — A building that is or a group of buildings, properties or sites that are:

1. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register.
2. Determined to be eligible for listing by the Keeper of the National Register of Historic Places who has been delegated the authority by a federal agency to list properties and determine their eligibility for the National Register of Historic Places in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement for Review Regarding the Section 106 National Historic Preservation Act Review Process as specified under 47 CFR Part 1, App. C (relating to Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process).
3. Marked as a historical site by the Pennsylvania Historical and Museum Commission pursuant to 37 Pa.C.S.A. (relating to historical and museums).
4. Within a historic district created pursuant to the Historic District Act of June 13, 1961 (P.L. 282, No. 167),⁶ entitled "An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries providing for the

6. Editor's Note: See 53 P.S. § 8001 et seq.

appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

MICRO WIRELESS FACILITY — A small wireless facility that:

1. Does not exceed two cubic feet in volume; and
2. Has an exterior antenna no longer than 11 inches.

MODIFICATION or MODIFY — The improvement, upgrade or replacement of a small wireless facility or an existing utility pole that does not substantially change, as defined in 47 CFR 1.6100(b)(7) (relating to wireless facility modifications), the physical dimension of the small wireless facility or utility pole.

MUNICIPAL POLE — A utility pole owned, managed or operated by or on behalf of Earl Township.

MUNICIPALITY — Earl Township.

RIGHT-OF-WAY — The area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property. The term does not include a federal interstate highway.

SMALL WIRELESS FACILITY — The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

1. Each antenna associated with the deployment is no more than three cubic feet in volume.
2. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

TECHNICALLY FEASIBLE — By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a material reduction in the functionality of the small wireless facility.

UTILITY FACILITY — Buildings, other structures and equipment owned or operated by a public utility, as defined in 66 Pa.C.S.A. § 102 (relating to definitions), to provide service.

UTILITY POLE — A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting,

traffic control, signage or a similar function or for co-location. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

WIRELESS FACILITY — As follows:

1. Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:
 - A. Equipment associated with wireless services.
 - B. Radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.
2. The term includes a small wireless facility.
3. The term does not include any of the following:
 - A. The structure or improvements on, under, or within which the equipment is co-located.
 - B. The coaxial or fiber-optic cables that are not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER — A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in this commonwealth that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures but is not a wireless services provider.

WIRELESS PROVIDER — A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES — Services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER — A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE — The term shall have the same meaning given to it in the Act of October 24, 2012 (P.L. 1501, No. 191), known as the Wireless Broadband Co-location Act.⁷

7. Editor's Note: See 53 P.S. § 11702.1 et seq.

§ 21-704. Right-of-Way Rates and Fees. [Ord. No. 2022-01, 3/7/2022]

1. Wireless providers shall be required to pay an annual fee for the use of the right-of-way. The annual right-of-way fee shall initially be \$270 per small wireless facility or \$270 per new utility pole with a small wireless facility. The Township may amend the fee from time to time by resolution of the Board of Supervisors to a rate not to exceed the maximum rate which is found to be permitted by the Federal Communications Commission and/or Small Wireless Facilities Deployment Act.⁸ The annual fee shall become effective beginning on January 1, 2022, and shall be imposed for each calendar year or portion thereof during which a small wireless facility is located in a right-of-way. The owner of each small wireless facility installed within the Township shall be responsible to pay such right-of-way fee whether or not such provider receives an invoice from the Township. The fee will be due by January 31 of the calendar year for the calendar year to which the fee relates.
 - A. The failure to pay the annual right-of-way fee shall be a violation of this section and shall be subject to the penalties and remedies in this section.
 - B. If the annual right-of-way fee is not paid in full by January 31 of the calendar year, a penalty of 10% of the annual fee shall be added. If the annual fee plus penalty is not paid in full by March 31 of the calendar year, interest at the rate of 1% per month shall continue until the annual right-of-way fee, penalty, and interest are paid in full.
 - C. The annual fee shall be adjusted upward by resolution of the Board of Supervisors if authorized by Section 7(c) of the Act.⁹
 - D. The owner of each small wireless facility installed within a right-of-way on the effective date of this section shall provide the Township with a report identifying each existing small wireless facility identifying the location of such small wireless facility, the dimensions of such small wireless facility, and the date of installation of the small wireless facility. This report shall include the name and contact information for the owner of the small wireless facilities, including the address to send invoices for the annual right-of-way fee and any notices under this section.
 - E. The owner of each small wireless facility shall provide the Township with up-to-date contact information. If ownership of a small wireless facility changes, the new owner of the small wireless facility shall provide notice and new contact information to the Township within 30 days.

8. Editor's Note: 53 P.S. § 11704.1 et seq.

9. Editor's Note: See 53 P.S. § 11704.7(c).

§ 21-705. Right of Access. [Ord. No. 2022-01, 3/7/2022]

1. In accordance with the Small Wireless Facilities Act,¹⁰ and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the public right-of-way:
 - A. Co-locate a small wireless facility.
 - B. Replace an existing utility pole or install a new utility pole with attached small wireless facilities.
2. Co-location. In accordance with the Small Wireless Facilities Deployment Act,¹¹ co-location on municipality-owned poles may be permitted unless the small wireless facility would cause structural or safety deficiencies to the municipal pole, in which case the Township and applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility.
3. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the municipality and utilities.

§ 21-706. Permitted Use; Application and Fees. [Ord. No. 2022-01, 3/7/2022]

1. Permit Required. No person shall place a small wireless facility or associated utility pole in the right-of-way, without first filing an application and obtaining a permit therefor, except as otherwise provided in this Part.
2. Application. All applications for permits filed pursuant to this Part shall be on a form, paper or electronic, provided by the Code Enforcement Officer.
3. Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, and shall contain the following:
 - A. The wireless provider's name, address, telephone number, and email address.
 - B. The applicant's name, address, telephone number and email address, if different than the wireless provider, and its interest in the work.
 - C. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - D. A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such

10. Editor's Note: 53 P.S. § 11704.1 et seq.

11. Editor's Note: 53 P.S. § 11704.1 et seq.

description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.

- E. A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the right-of-way, including any manholes or poles, the size, type and depth of any conduit or enclosure.
- F. An attestation that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the Township and the applicant agree to extend this period.
- G. An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.
- H. Whether each SWF is proposed to be installed on an existing pole or structure or a new pole or structure.
- I. The name of the owner of the pole or structure on which the SWF is proposed to be installed and the address, phone number, email address of the owner's contact person.
- J. If a SWF is proposed to be installed on a pole or structure owned by a party other than the applicant, the application shall be accompanied by a written confirmation of the owner's agreement to allow the applicant to locate each SWF on such owner's pole or structure.
- K. Documentation in form of both narrative and drawings indicating the size of each proposed SWF, the height of the pole or structure on which each is proposed to be installed, and the cubic volume of each SWF.
- L. A report by a qualified engineering expert which shows that the small wireless facility will comply with all applicable FCC regulations. The report must identify the person who prepared the report and his or her qualifications.
- M. Construction drawings and supplemental information demonstrating compliance with Section 3 of the Act, the UCC (including as applicable a complete UCC permit application) and this section.
- N. Plan showing the proposed small wireless facility installation sealed by a professional engineer which shall contain a certification that after installation of the facility any sidewalk, curb, or curb cuts which may be impacted will comply with the ADA after installation of the small wireless facility. The plan shall meet all of the following requirements and include all of the following information:

- (1) Existing right-of-way width, sidewalk, curbing, and cartway with sufficient information to demonstrate that the small wireless facility will be located completely within the existing public street right-of-way and will not interfere with the same operation of traffic control equipment, sight lines, or clear zones for vehicles or pedestrians.
 - (2) Location of all stormwater management facilities within the public street right-of-way including swales, inlets, rain gardens, and pipes, with sufficient information to demonstrate that the small wireless facility will be located and installed in a manner that will not interfere with existing stormwater management facilities.
 - (3) Location of utility facilities within the public street right-of-way including but not limited to public water and sewer facilities, including all hydrants and manholes with sufficient information to demonstrate that the small wireless facility will be located and installed in a manner that will not interfere with existing utility facilities.
 - (4) Location of any driveway, mailbox, or utility serving the abutting property.
- O. Where the application proposes co-location on an existing utility pole which is not a municipal pole, written permission from the owner of the existing pole.
- P. Where the application proposes the installation of a new utility pole, a self-certification that the applicant has determined in good faith that it cannot meet its service reliability and functional objectives of the application by co-locating on an existing utility pole or municipal pole. This self-certification shall include documentation of the basis of the determination which shall identify all existing utility poles and municipal poles in the vicinity and why they are not suitable.
- Q. The fee established by the Part.
4. When Application Not Required.
- A. An application shall not be required for: i) routine maintenance; ii) the replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height; or iii) for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.

- B. A permit may be required to perform work within the right-of-way for the activities under Subsection 4 for work that involves excavation, closure of a sidewalk or closure of a vehicular lane.
- 5. Application Fees. All applications for permits shall be accompanied by a fee of \$500 for a single up-front application that includes up to five small wireless facilities, with an additional \$100 for each small wireless facility beyond five; and \$1,000 in nonrecurring fees for each new associated utility pole. The fees established by this section shall be adjusted upward by resolution of the Township.
- 6. Consolidated Applications. An applicant may submit a consolidated application for up to 20 small wireless facilities.
 - A. A single applicant shall not exceed application for 20 small wireless facilities in a thirty-day period.
 - B. The denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same consolidated application.
 - C. A single permit may be issued for siting and co-locating multiple small wireless facilities spaced to provide wireless coverage in a contiguous area.
 - D. If multiple applicants submit applications cumulatively exceeding 20 applications within a thirty-day period, the extensions to deadlines provided for in the Small Wireless Facilities Act¹² shall apply.

§ 21-707. Action on Permit Applications. [Ord. No. 2022-01, 3/7/2022]

- 1. Review of Small Wireless Facility and Utility Pole Applications.
 - A. Within 10 days of receiving an initial application, Township will determine and notify the applicant whether the application is materially complete. If an application is materially incomplete, the Township will specifically identify the missing documents or information, and the specific rule or regulation creating the obligation to submit such documents or information. The shot clock set forth in Subsection 1B below shall restart at zero on the date which the applicant submits all the documents and information identified by the Township to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the Township notifies the applicant within 10 days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock set forth in Subsection 1B below shall be tolled until the applicant provides the

12. Editor's Note: 53 P.S. § 11704.1 et seq.

missing documents and information. The shot clock resumes (the date calculation does not restart) to run on the date when the applicant submits all the documents and information identified by the Township to render the application complete.

- B. All applications shall be processed on a nondiscriminatory basis, and the Township shall approve or deny an application for: i) co-location of small wireless facility on an existing structure within 60 days of receipt of the application; or ii) within 90 days for applications to deploy a small wireless facility using a new structure.
- C. An applicant and the Township may enter into a written agreement to toll the time periods set forth in Subsection 1B.
- D. If the Township fails to issue a decision on an application for a small wireless facility within the required time periods set forth in Subsection 1B of this § 21-707, it shall constitute a deemed approval.
- E. The Township may deny a proposed co-location of a small wireless facility or installation or modification of a utility pole only if the proposed application:
 - (1) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar federal or state standards regarding pedestrian access or movement.
 - (2) The small wireless facility fails to comply with applicable codes.
 - (3) The small wireless facility fails to comply with the requirements specified under the Small Wireless Facilities Deployment Act.¹³
 - (4) The applicant fails to submit a report by a qualified engineering expert which shows that the small wireless facility will comply with applicable FCC regulations.
- F. The Township must document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the Township denies an application. The applicant may cure the deficiencies identified by the Township and resubmit the application within 30 days of the denial without paying an additional application fee. The Township shall approve or deny the revised application within 30 days. Any subsequent review shall be limited to the deficiencies cited in the denial.

13. Editor's Note: 53 P.S. § 11704.1 et seq.

- G. The applicant may cure the deficiencies identified by the Township and resubmit the application within 30 days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within 30 days of the application being resubmitted for review or the resubmitted application shall be deemed approved 30 days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other sections of the application that were not previously denied, the Township shall be given an additional 15 days to review the resubmitted application and may charge an additional fee for the review.
2. Permit Scope and Effect. The Code Enforcement Officer shall review and act upon the application in accordance with the Act. If the application meets all requirements of the Act and this Part, the Code Enforcement Officer shall issue a permit to authorize installation of the small wireless facility and an invoice for the right-of-way fee for the small wireless facility. Installation, modification, or co-location for which a permit is granted pursuant to this section shall be completed within one year after the permit issuance date, unless the Township and the applicant agree to extend this period. Approval of an application authorizes the applicant to:
- A. Co-locate on an existing utility pole, modify or replace a utility pole, or install a new utility pole with small wireless facilities attached as identified in the initial application.
- B. Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain small wireless facilities and any associated equipment on a utility pole covered by the permit for a period of five years, which shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in the Small Wireless Facilities Deployment Act¹⁴ and applicable codes, and the applicant has obtained all necessary consent from the utility pole owner.
3. Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Part and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the right-of-way.

§ 21-708. Design Criteria and Permit Review. [Ord. No. 2022-01, 3/7/2022]

1. Upon receipt of a completed application for a SWF permit and all required fees, the Township Manager and/or the Township Engineer, or his or her respective designee, shall review the application to determine whether the

14. Editor's Note: 53 P.S. § 11704.1 et seq.

proposed SWF and support structure or pole comply with the following design criteria:

- A. The structure on which antenna facilities are mounted: a) an existing utility pole, provided the installation does not extend more than five feet above the pole; and b) a new or replacement pole is not taller than 50 feet. Any height in excess of these limits shall require application to the Zoning Hearing Board for a variance.
- B. Each antenna associated with the deployment (excluding the associated equipment) may be no more than three cubic feet in volume.
- C. All other equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- D. The small wireless facility and all associated equipment shall meet the size limits and height limits of the Act.
- E. The small wireless facility 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. This shall include, but not be limited to, any interference with compliance with the ADA.
- F. A new pole shall not be located within 10 feet of an existing driveway or street intersection. A new pole shall not be located within any stormwater management facility including, but not limited to, any swale or rain garden. A new pole shall not be located within 18 inches of the face of the curb.
- G. All equipment of the small wireless facility which is mounted on a pole shall have a clearance of not less than 18 feet if located over a cartway and not less than 10 feet if not located over a cartway.
- H. Ground-mounted accessory equipment, walls, or landscaping shall not be located within any stormwater management facility including, but not limited to, any swale or rain garden or within 18 inches of the face of the curb.
- I. A new pole or ground-mounted accessory equipment, walls or landscaping shall not be located on an easement extending onto the lot adjoining the right-of-way without the written permission of the easement holder.
- J. Ground-mounted accessory equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features. Any required electrical meter cabinets shall be screened to blend in with the

surrounding area. Ground-mounted accessory equipment shall not interfere with access to any driveway or mailbox.

- K. All underground facilities shall be designed and installed in a manner which will not require the removal or relocation of any stormwater management facility or underground utility.

2. General Design Requirements.

- A. The Township may adopt by resolution Small Wireless Facility Design Guidelines with objective, technically feasible criteria applied in a nondiscriminatory manner that reasonably match the aesthetics and character of the immediate area.
- B. The Small Wireless Facility Design Guidelines may include examples of SWF preferences including visual depictions (if readily available and identified by the Township).
- C. The provisions in this Part shall not limit or prohibit the Township's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, Small Wireless Facility Design Guidelines so long as the information, materials, or requirements do not conflict with state or federal law.
- D. All small wireless facilities and associated equipment located within the public right-of-way shall be located such that it meets ADA requirements and does not hinder, obstruct or impede usual pedestrian and vehicular travel.
- E. The Township shall have authority to update or supplement the Small Wireless Facility Design Guidelines to address relevant changes in law, technology, or administrative processes.
- F. Wireless Support Structure Design Standards - General Guidance:
 - (1) SWF equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage.
 - (2) All wires, antennas, and other small wireless facility equipment shall be enclosed and not visible.
 - (3) Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.

- (4) Casing to enclose all wires, antennas, and other small wireless facility equipment may be mounted on top of existing and new poles in a cylinder shape to look like an extension of the pole.
- (5) Brand logos and other signage are prohibited on all SWF except contact information to be used by workers on or near the SWF and as otherwise required by federal or state law. Signage will be no larger than required to be legible from street level.
- (6) As a condition for approval of new small wireless facilities or new wireless support structure in an historic district, the applicant shall comply, to the greatest extent possible, with the design and aesthetic standards of the Historic District, or historic preservation standards in place, to minimize the negative impact to the aesthetics in these districts or areas.

§ 21-709. Maintenance of Small Wireless Facilities. [Ord. No. 2022-01, 3/7/2022]

The wireless provider shall maintain the small wireless facility in a manner that meets or exceeds all of the design standards of this section and all standards of the UCC. If the small wireless facility is the only facility on a pole, the wireless provider shall maintain the pole in accordance with this section and all applicable requirements. The wireless provider shall remove any graffiti on the small wireless facility, including but not limited to ground-mount accessory equipment, within 30 days after notice from the Township to do so.

§ 21-710. Damage to Existing Facilities and Indemnification. [Ord. No. 2022-01, 3/7/2022]

1. A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors, including installation of the small wireless facility or the failure to properly maintain the small wireless facility, and return the right-of-way in as good a condition as it existed prior to any work being done in the right-of-way by the wireless provider or damage resulting from the failure to maintain the small wireless facility. If the wireless provider fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty of \$500. The wireless provider who has failed to make the required repairs shall not be eligible to receive a new permit from the Township until the wireless provider has paid the amount assessed for the repair costs and the assessed penalty or deposited the amount assessed for the repair costs and the assessed penalty in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
2. A wireless provider shall fully indemnify and hold the Township and its officers, employees and agents harmless against any claims, lawsuits,

judgments, costs, liens, expenses or fees or any other damages caused by the act, error or omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way.

§ 21-711. Removal of Equipment. [Ord. No. 2022-01, 3/7/2022]

1. Within 60 days of suspension or revocation of a permit due to noncompliance with applicable codes, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures, if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure any noncompliance.
2. Within 90 days of the end of a permit term or an extension of the permit term, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole.

§ 21-712. Restoration of Right-of-Way. [Ord. No. 2022-01, 3/7/2022]

Applicants are required to repair all damage directly caused by the activities of the applicant and return the right-of-way in as good a condition as it existed prior to any work being done. If the applicant fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the provider the reasonable, documented cost of the repairs plus a penalty not to exceed \$500. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty.

§ 21-713. Violations and Penalties. [Ord. No. 2022-01, 3/7/2022]

1. Violations. It shall be a violation of this Part to do or permit the following:
 - A. To install a small wireless facility prior to obtaining the permit required by this Part.
 - B. To install a small wireless facility in a manner other than that authorized by the permit.
 - C. To place any false or misleading information on an application including, but not limited to, incorrectly identifying the right-of-way width, the identity of the owner of a utility pole, the precise location of the utility pole, or the size and location of any proposed or existing equipment.

- D. To fail to make any payment required by this Part or to make a payment by a means which is later dishonored.
 - E. To violate any other provision of this Part.
2. Penalties. Any person who violates or permits the violation of any provision of this Part shall be liable upon summary conviction therefor to fines and penalties of not less than \$100 nor more than \$1,000 plus all costs of prosecution, including attorneys' fees, which costs, fines, and penalties may be collected as provided by law. Each day that a violation continues and each section of this Part which is violated constitutes a separate violation.

§ 21-714. Other Ordinances. [Ord. No. 2022-01, 3/7/2022]

Nothing in this Part shall be interpreted to relieve any individual from compliance with all other ordinances, resolutions, laws and regulations of the Township, the County of Lancaster, the Commonwealth of Pennsylvania, or the United States.

§ 21-715. Repealer. [Ord. No. 2022-01, 3/7/2022]

All ordinances, resolutions, and parts of ordinances and resolutions inconsistent herewith are hereby repealed.

§ 21-716. Severability. [Ord. No. 2022-01, 3/7/2022]

The provisions of this Part are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Part. It is hereby declared to be the intent of the Board of Supervisors that this Part would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included therein.

§ 21-717. Adoption. [Ord. No. 2022-01, 3/7/2022]

This Part shall become effective immediately upon its enactment.

