

POCOPSON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 2019 –

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 250 OF THE POCOPSON TOWNSHIP CODE, ENTITLED "ZONING" AT SECTION 250-6. DEFINITIONS AND WORD USAGE TO ADD A NEW DEFINITION FOR "SMALL WIRELESS FACILITIES" AND AT SECTION 250-96. WIRELESS COMMUNICATIONS FACILITIES TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING APPROVAL TIME FRAMES, PERMIT FEES AND RELATED REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN POCOPSON TOWNSHIP.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Pocopson Township that Chapter 250 of the Pocopson Township Code, titled, "Zoning", shall be amended as follows:

SECTION 1. Section 250-6. Definitions. shall be amended to include the following new term:

"SMALL WIRELESS FACILITIES (SWF) - A type of Wireless Communication Facility (WCF) as specifically defined by the Federal Communications Commission in Part 1 of Title 47 of the Code of Federal Regulations, as such term may be amended from time to time."

SECTION 2. Section 250-96.C.(1)(r) shall be amended to include a new subsection as follows:

"(r.1) Timing of approval for SWF. Within 10 calendar days of the date that an application for a tower-based WCF that is also a SWF is filed with the Municipality, the Municipality shall notify the applicant in writing of any information that may be required to complete such application. The Municipality shall have 10 days from receipt of the additional information to issue a letter of completeness, or to request additional information as appropriate. Within 90 calendar days of receipt of a complete application, the Municipality shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Municipality to complete an application, the time required by the applicant to provide the information shall not be counted toward the Municipality's 90-day review period. If the application is subject to conditional use approval, such

conditional use provisions will remain applicable to the application; however, the timing of approval shall not fall outside the timeline set forth in this section unless otherwise agreed upon by the applicant and the Municipality."

SECTION 3. Section 250-96.C.(1)(t) shall be amended and revised to read as follows:

- "(t) Permit fees. The Municipality may assess appropriate, fair and reasonable permit fees directly related to the Municipality's actual costs in reviewing and processing the application for approval of a tower-based WCF as set forth in fee schedules established by the Municipality."

SECTION 4. Section 250-96.C.(1)(v) shall be amended and revised to read as follows:

- "(v) Each person that owns or operates a tower-based WCF greater than 50 feet in height shall provide the Municipality with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence, and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF."

SECTION 5. Section 250-96.C.(3)(b)[1] shall be amended and revised to read as follows:

- "[1] Only tower-based WCF that are 50 feet or shorter in height are permitted, by conditional use, within the public rights-of-ways along the following corridors and roadways, regardless of the underlying zoning district, provided they are not located within an area that is entirely served by underground utilities (excluding underground sewer and water lines):
- [a] Route 52;
 - [b] Route 842;
 - [c] Route 926; and
 - [d] Pocopson Road.

SECTION 6. Section 250-96.D(2)(c) shall be amended to include a new subsection as follows:

- "(c.1) Timing of approval for SWF. Within 10 calendar days of the date that an application for a structure-mounted WCF that is also a SWF is filed with the Municipality, the Municipality shall notify the applicant in writing of any information that may be required to complete such application. The Municipality shall have 10 days from the receipt of the additional information to issue a letter

of completeness, or to request additional information as appropriate. Within 60 calendar days of receipt of a complete application, the Municipality shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Municipality to complete an application, the time required by the applicant to provide the information shall not be counted toward the 60-day review period. If the application is subject to conditional use approval, such conditional use provisions will remain applicable to the application; however, the timing of approval shall not fall outside the timeline set forth in this section unless otherwise agreed upon by the applicant and the Municipality. "

SECTION 7. Section 250-96.D(2)(d) shall be amended and revised to read as follows:

"(t) Permit fees. The Municipality may assess appropriate, fair and reasonable permit fees directly related to the Municipality's actual costs in reviewing and processing the application for approval of a structure-mounted WCF as set forth in fee schedules established by the Municipality."

SECTION 8. Section 250-96.D(3)(c) shall be amended to include a new subsection as follows:

"(c.1) Timing of approval for SWF. Within 10 calendar days of the date that an application for a structure-mounted WCF that is also a SWF is filed with the Municipality, the Municipality shall notify the applicant in writing of any information that may be required to complete such application. The Municipality shall have 10 days from the receipt of the additional information to issue a letter of completeness, or to request additional information as appropriate. Within 60 calendar days of receipt of a complete application, the Municipality shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Municipality to complete an application, the time required by the applicant to provide the information shall not be counted toward the 60-day review period. If the application is subject to conditional use approval, such conditional use provisions will remain applicable to the application; however, the timing of approval shall not fall outside the timeline set forth in this section unless otherwise agreed upon by the applicant and the Municipality. "

SECTION 9. Section 250-96.D(3)(g) shall be amended and revised to read as follows:

"(g) Permit fees. The Municipality may assess appropriate, fair and reasonable permit fees directly related to the Municipality's actual costs in reviewing and processing the application for approval of a structure-mounted WCF as set forth in fee schedules established by the Municipality."

SECTION 10. Section 250-96 is amended to include a new subsection E as follows:

"E. Consistency with State and Federal Laws and Regulations. The provisions contained herein regulating Wireless Communications Facilities are intended to comply with federal and state laws and regulations in effect as of the date of adoption of this section. To the extent that any of the provisions in this section conflict with any federal or state statute or regulations, the federal or state statutes or regulations shall control unless the applicable federal or state statutes or regulations allow for more stringent provisions in local ordinances. In which case, the more stringent provisions of local ordinances shall remain in effect and shall control in such instances."

SECTION 11. 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 parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Goshen Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 12. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

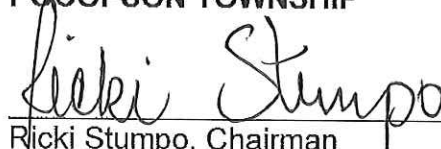
SECTION 13. Effective Date. This Ordinance shall be effective five (5) days following enactment as by law provided.


ENACTED AND ORDAINED this 20th day of May, 2019.

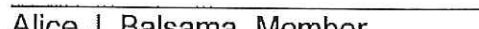
ATTEST:


Susan Simone, Secretary

BOARD OF SUPERVISORS
POCOPSON TOWNSHIP


Ricki Stumpo, Chairman


Elaine DiMonte, Vice-Chairman


Alice J. Balsama, Member