

WINFIELD TOWNSHIP
BUTLER COUNTY, PENNSYLVANIA

ORDINANCE NO. 198

AN ORDINANCE OF THE TOWNSHIP OF
WINFIELD DEFINING AND ESTABLISHING
REGULATIONS AND STANDARDS FOR THE
PLACEMENT OF COMMUNICATIONS TOWERS.

WHEREAS, Winfield Township has determined that the protection of the health, safety, and general welfare of township residents is provided for by the Pennsylvania Municipalities Planning Code, and

WHEREAS, the township has established a land use plan which seeks to locate land uses with characteristics in areas deemed appropriate for such uses, and

WHEREAS, Communications Towers exhibit characteristics of use and construction of a nonresidential nature,

Now, therefore, it is hereby enacted and ordained as follows:

SECTION 1: Communications Tower

A structure furnishing point-to-point communication services whether by wire or radio either aurally or visually, including radio and television broadcasting.

SECTION 1-1: Communications Tower

The following regulations shall apply to all transmission facilities proposed for placement in the Manufacturing or Commercial Districts.

- A. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
- B. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
- C. Setbacks from base of antenna support structure will conform to Winfield Township Ordinance # 186.

SECTION 2: Fencing

A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height.

SECTION 3: Landscaping

The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Winfield Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

- A. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet (3') on center maximum) or a row of evergreen trees (planted ten feet (10') on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.
- B. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

SECTION 4: In order to reduce the number of antenna support structures needed in the community in the future, the proposed structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.

SECTION 5: The communications company must demonstrate that it is licensed by the Federal Communications Commission.

SECTION 6: All communications towers shall have the following:

- A. Markings
 - 1. Alternate color bands of aviation orange and white paint.

2. Color bands should be:

- A. Equal in width.
- B. Approximately one seventh the height of the structure in width.
- C. Perpendicular to the vertical axis.
- D. Orange at the top and bottom of the structure.
- E. An odd number of bands on the structure.

B. Paint Standards

1. Paint should conform to Federal Standards (FED-STD-595) as currently exist or may be amended.
2. Color table: Orange #12197 and White #17875.
3. Federal Specifications.

C. Lighting

1. Top mounted obstruction light.

A. Structures exceeding 150 feet (46M) AGL

- a. At least one red flashing (1-864) beacon should be installed in a manner to ensure an unobstructed view of one or more lights by a pilot.

2. Red obstruction lights should be operated by a satisfactory control device (e.g. photo call timer, etc.) or the light also may remain on continuously.

SECTION 7: A land development plan shall be required for all sites, showing the antenna, antenna support structure, building, buffering, access to public right-of-way, and all other items required in the Winfield Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

SECTION 8: In granting the use, the supervisors may attach reasonable conditions warranted to protect the health, safety and welfare, including but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

SECTION 9: All approvals will be only for specific facilities set forth in the application. No additions or

alterations thereto will be permitted without a new application.

SECTION 10: Amateur Radio Communications

As the Federal Communications Commission has issued a ruling PRB-1 "Federal Preemption of State and Local Regulations Permitting to Amateur Radio Facilities" 101 F.C.C. 2d 952, 50 Fed. Reg. 38,813 (1985), Amateur Radio Operations are exempt from this ordinance.

SECTION 11: Coordinates

The Communications Company must notify Winfield Township and any Air Ambulance Company(s) serving Winfield Township, of the latitude and longitude of the proposed tower site before construction can be authorized.

SECTION 12: Severability

- A. Should any section, clause, provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of the Ordinance.
- B. It is hereby declared to be the intent of the Supervisors of Winfield Township, that this Ordinance would have been adopted by the township had such invalid or unconstitutional provisions not been included herein, and the remaining portions of this Ordinance shall remain in effect as though the portion declared invalid or unconstitutional had never been a part hereof.

SECTION 13: Violations and penalties

Any person(s), firms, or organizations who shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and cost of prosecution provided that each day's violation shall constitute a separate offense; and notice to the offender shall not be necessary in order to constitute an offense for subsequent days.

SECTION 14: All resolutions, ordinances, or parts of resolutions or ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED THIS 26TH day of February, 1998.

ATTEST:

Maryann McCracken
Secretary

WINFIELD TOWNSHIP SUPERVISORS

Joseph Schmitt
Chairman

Walter MacBarrat
Gerrit Magle