

**BOROUGH OF BANGOR  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 970**

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON COUNTY,  
PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE  
OF THE BOROUGH, PROVIDING FOR PURPOSES AND FINDINGS OF FACT RELATED  
TO THE ADOPTION OF THE AMENDMENT; PROVIDING FOR DEFINITIONS;  
ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE  
LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF  
COMMUNICATION TOWERS AND COMMUNICATIONS ANTENNAE; PROVIDING  
FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC  
RIGHT-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR  
THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE  
DATE**

**NOW THEREFORE**, be it and it is hereby **ORDAINED** by the Borough Council of the Borough of Bangor, Northampton County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**SECTION I. Short Title.**

This Ordinance shall be known as the "Bangor Borough Wireless Communications Facilities Ordinance."

**SECTION II. Purposes and Findings of Fact.**

- A. The purpose of this Ordinance is to establish uniform standards for the siting, design permitting, maintenance, and use of wireless communications facilities in Bangor Borough. While the Borough recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the Borough intends to:
1. Promote the health, safety, and welfare of Borough residents and businesses with respect to wireless communications facilities;
  2. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the

needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;

3. Establish procedures for the design, siting, construction, installation, maintenance and removal of Communications Towers and Communications Antennae in the Borough, including facilities both inside and outside the public rights-of-way.
4. Address new wireless technologies, including but not limited to, distributed Antennae systems, data collection units, cable Wi-Fi and other wireless communications facilities;
5. Encourage the co-location of wireless communications facilities of existing structures rather than the construction of new tower-based structures;
6. Protect Borough residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
7. Update the Borough's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

### **SECTION III. Definitions.**

Section 300 of the Bangor Borough Zoning Ordinance is hereby amended to revise or include the following definitions:

1. *Amateur radio* - (also called ham radio) means the use of designated radio frequency spectra for purposes of private recreation, non-commercial exchange of messages, wireless experimentation, self-training, and emergency communications.
2. *Co-location* - the mounting of one or more Communications Antennae on an existing Communications Tower, or on any structure that already supports at least one Communications Antennae.
3. *Communications Antenna (Antenna)* - any system of wires, rods, discs, panels, flat panels, dishes, whips or other similar devices used for the transmission or reception of wireless signals, which may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. Communications Antenna further includes, but is not limited to Related Equipment. Communications Antennae shall not include support structures for Antennae or any Related Equipment that is mounted to the ground or at ground-level.
4. *Communications Tower* - any structure that is used for the purpose of supporting one or more Antennae, including but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered Communications Towers.

5. *Distributed Antenna Systems (DAS)* - network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
6. *Emergency* - a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
7. *FCC*- Federal Communications Commission.
8. *Height of a Communications Tower* - The vertical distance measured from the ground level, including any base pad, to the highest point on a Communications Tower, including Antennae mounted on the tower and any other appurtenances.
9. *Monopole* - a Communications Tower or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support Communications Antenna and connecting appurtenances.
10. *Related Equipment* - Any piece of equipment related to, incident to, or necessary for, the operation of a Communications Tower or Communications Antenna. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.
11. *Right-of-Way or ROW* - the surface of and space above and below any real property in the Borough in which the Borough has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than streets that are owned by the Borough. The phrase "in the Right(s)- of-Way" and means in, on, over, along, above and/or under the Right(s)-of-Way. For the purpose of this ordinance, ROW shall include streets and roads owned by Northampton County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.
12. *Stealth Technology*- camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

13. *Substantially Change* - (1) Any increase in the height of a Wireless Support Structure by more than 10% or by the height of one additional Antennae array with separation from the nearest existing Antenna not to exceed twenty (20) feet whichever is greater except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth in the WBCA or the Bangor Borough Zoning Ordinance is necessary to avoid interference with existing Antenna or (2) further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional Antenna array.
14. *WBCA* - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)
15. *Wireless* - transmissions through the airways including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
16. *Wireless Communications Facility* - the Antennae, nodes, control boxes, towers, poles conduits ducts, pedestals, electronics and other equipment used for the purposes of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
17. *Wireless Communications Facility Applicant (Applicant)* - any person that applies for a wireless communication facility building permit zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.
18. *Wireless Support Structure* - a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Borough.

**SECTION IV. Use Regulations.**

The following standards included in Section V through Section XI will be known comprehensively as, "Wireless Communications Facilities", and shall be incorporated into the Bangor Borough Zoning Ordinance as follows:

- Zoning Ordinance Section 695, "Wireless Communications Facilities"
- Section V, as Zoning Ordinance Section 695.1
- Section VI, as Zoning Ordinance Section 695.2
- Section VII, as Zoning Ordinance Section 695.3
- Section VII, as Zoning Ordinance Section 695.4
- Section IX, as Zoning Ordinance Section 695.5
- Section X, as Zoning Ordinance Section 695.6
- Section XI, as Zoning Ordinance Section 695.7

## **SECTION V. General Requirements for All Communications Antennae.**

- A. The following regulations shall apply to all Communications Antennae that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached:
1. **Prohibited on Certain Structures.** Commercial Communications Antennae shall not be located on single-family dwellings, two family dwellings, multi-family dwellings, or any accessory residential structure.
  2. **Permit Required.** Applicants proposing the modification of an existing Communications Tower, in order to co-locate an Antennae, shall obtain a Permit from the Borough Code Official. In order to be considered for such permit, the Applicant must submit a permit application to the Borough Zoning Officer.
  3. **Standard of Care.** Any Communications Antenna shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Antennae shall, at all times, be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in that Borough.
  4. **Related Equipment.** Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within twenty-five (25) feet of a lot in residential use or zoned residential.
  5. **Wind.** All Communications Antenna structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E, as amended).
  6. **Public Safety Communications.** No Communications Antenna shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  7. **Aviation Safety.** Communications Antennae shall comply with all federal and state laws and regulations concerning aviation safety.
  8. **Radio Frequency Emissions.** No Communications Antenna may, by itself or in conjunction with other Antennae, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

9. **Removal.** In the event that use of a Communications Antenna is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Antennae or portions of Antennae shall be removed as follows:
  - a. All abandoned or unused Antennae and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
  - b. If the Antennae or accessory facility is not removed within two (2) months of the cessation of operation at a site or within any longer period approved by the Borough, the Antenna and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the Antenna.
10. **Timing of Approval for Applications that Fall Under the WBCA.** Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application the Borough 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 Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the Borough's sixty (60) day review period.
11. **Permit Fees.** The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Communications Antenna. Such fees shall be adopted by resolution by Borough Council. For applications that fall under the WBCA, the fee assessed shall not exceed the maximum fees established under the WBCA.
12. **Insurance.** Each Person that owns or operates a Communications Antenna shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.
13. **Indemnification.** Each Person that owns or operates a Communications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents at all times against any and all claims for personal injury including death and property damage arising in whole or in part from caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation,

operation, maintenance or removal of the Communications Antenna. Each Person that owns or operates a Communications Antenna shall defend any actions or proceedings against the Borough in which it is claimed that personal injury including death, or property damage was caused by the construction installation operation, maintenance or removal of a Communications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- B. The following regulations shall apply to all Communications Antennae that do Substantially Change the Wireless Support Structure to which they are attached:
1. Prohibited on Certain Structures. Communications Antennae shall not be located on single-family dwellings, two-family dwellings, or any residential accessory structure.
  2. Permits Required. Any Applicant proposing the construction of a new Communications Antenna, or the modification of an existing Communications Antenna, shall first obtain a Permit from the Borough Zoning Officer. New construction and modifications shall be prohibited without a Zoning Permit, as required. After receipt of the Permit application, the Borough Zoning Officer shall determine whether zoning relief is necessary under Borough Code.
  3. Standard of Care. Any Communications Antenna shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standard Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All Antennae should, at all times, be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
  4. Wind. Any Communications Antenna structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E-Code, as amended).
  5. Public Safety Communications. No Communications Antenna shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  6. Historic Buildings. No Communications Antenna may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic

districts list that may be maintained by the Borough, or has been designated by the Borough to be of historical significance.

7. **Aviation Safety. Communications Antennae shall comply with all federal and state laws and regulations concerning aviation safety.**
8. **Maintenance. The following maintenance requirements shall apply:**
  - a. **The Communications Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.**
  - b. **Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.**
  - c. **All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.**
9. **Radio Frequency Emissions. No Communications Antenna may, by itself or in conjunction with other Antennae, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with PCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.**
10. **Removal. In the event that use of a Communications Antenna is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Antennae or portions of Antennae shall be removed as follows:**
  - a. **All abandoned or unused Antennae and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.**
  - b. **If the Antennae or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Antenna and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the Antenna.**
11. **Timing of Approval. Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application the Borough 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**