

**ORDINANCE NO. 87-1999**  
**TOWNSHIP OF CENTRE**  
**BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 87-1999**  
**BOROUGH OF CENTERPORT**  
**BERKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, AND THE BOROUGH OF CENTERPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CENTRE TOWNSHIP AND CENTERPORT BOROUGH ZONING ORDINANCE OF 1982, AS AMENDED, BY ADDING DEFINITIONS PERTAINING TO AND ESTABLISHING REGULATIONS FOR COMMUNICATION AND TELECOMMUNICATION FACILITIES**

WHEREAS, the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, and the Borough Council of the Borough of Centerport, Berks County, Pennsylvania, have determined that it is appropriate and necessary to amend the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, in order to incorporate certain definitions and certain use descriptions, establish regulations, standards and criteria for communication and telecommunication facilities, and incorporate certain technical revisions to ensure integration of the amendments with the existing Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, and establish consistency among the sectional references throughout the existing Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, for the following purposes:

1. To provide definitions for various terms associated with communication and telecommunication facilities;
2. To distinguish public service activities and companies from public utilities regulated by the Pennsylvania Public Utilities Commission;
3. To accommodate the need for communication facilities while regulating their location and number in the Township of Centre and in the Borough of Centerport;
4. To minimize adverse visual effects of communications antennae and antenna support structures through proper design, sighting and vegetative screening;

5. To avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through engineering, proper sighting of antenna support structures and adequate review procedures; and

6. To encourage the joint use of existing and any new antenna support structures for purposes of reducing the number of such structures needed in the future.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, and by the Borough Council of the Borough of Centerport, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, is hereby further amended as follows:

Section 1. Article II, entitled "Definitions", of the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, is further amended to add the following definitions in addition to those listed:

Cellular Communications Antenna. A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

Cellular Communications Antenna Height. The vertical distance measured from the base of the cellular communications antenna support structure at grade to the highest point of the cellular communications antenna structure. If the cellular communications antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the cellular communications antenna height.

Cellular Communications Antenna Support Structure. Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Cell Site. A tract or parcel of land that contains the cellular communications antenna, its cellular communications antenna support structure, accessory building(s) and parking, and may include other uses associated with and ancillary to cellular communication transmission.

Cellular Telecommunications. A Commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to two (2) providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Communications Tower. A structure other than a building, such as a monopole, self supporting or guyed tower designed and used to support communication antennas.

Cross Bar. A structure at or near the top of the low power mobile radio service telecommunications facility, which provides support and horizontal separation for the antenna(s).

Directional Antenna. A cellular communications antenna or array of cellular communications antennae designed to concentrate a radio signal in a particular area.

Effective Radiated Power (ERP). The product of the cellular communications antenna power input and the numerically equal antenna power gain.

Free-Standing Low Power Mobile Radio Service Facility. A low power mobile radio service telecommunications facility that consists of a stand-alone cellular communications antenna support structure, cellular communications antennae and associated equipment. The cellular communications antenna support structure may be a wooden pole, steel monopole, lattice tower, light standard or other vertical support.

Lattice Tower. A guyed or self-supporting three (3) or four (4) sided open, steel frame structure used to support telecommunications equipment.

Low Power Commercial Mobile Radio Network. A system of low power commercial telecommunications facilities which allow wireless conversation to occur from site to site.

Low Power Commercial Mobile Radio Service. Mobile service provided for various uses, including: (A) for profit, (B) interconnected to Public Switch Network, (C) available to the public for such classes of eligible users as to be effectively available to a substantial portion of the public, which service must propose to or have developed multiple network sites within the County of Berks and any surrounding counties bordering Centre Township and/or Centerport Borough.

Low Power Mobile Radio Service Telecommunications Facility. A facility which consists of equipment for the reception, switching and transmission of low power mobile radio service communications. Such facility may be elevated (either building-mounted or ground-mounted) transmitting and receiving cellular communications antennas, low power mobile radio service base station equipment and interconnection equipment. The categories of facility types include:

- (A) Roof and/or building mount facilities;
- (B) Free-standing low power mobile radio service facilities; and
- (C) Micro-cell or repeater facilities.

Low Power Telecommunications Facility. An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at one thousand (1,000) watts or less effective radiated power (ERP), including, but not limited to, the following:

- (A) Point-to-point microwave signals.
- (B) Signals through FM radio translators.
- (C) Signals through FM radio boosters under ten (10) watts effective radiated power (ERP).
- (D) Cellular, Enhanced Specialized Mobile Radio (ESMR) and Personal Communications Networks (PCN).
- (E) Private low power mobile radio service.

Micro-Cell. A low power mobile radio service telecommunications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave.

Microwave Antenna. A dish-like cellular communications antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Monopole. A structure composed of a single spire used to support telecommunications equipment.

Omnidirectional Antenna. A cellular communications antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

Private Low Power Mobile Radio Service. All other forms of wireless telecommunications which have similar physical facilities as Commercial Low Power Mobile Radio Service, but which do not meet the definition of Commercial Mobile Radio Service.

Repeater. A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

Roof and/or Building Mount Facility. A low power mobile radio service telecommunications facility in which cellular communications antennae are mounted to an existing structure on the roof (including rooftop appurtenances) or building face. Roof or building-mounted facilities may include micro-cell and/or repeater facilities.

Telecommunications. The science or technology of communications by electronic transmission of impulses as by telegraph, cable, telephone, radio, television, microwave, earth station broadcast/cable television communications and other similar technology not otherwise enumerated and as may evolve after enactment of this Ordinance.

Whip Antenna. A cellular communications antenna that is cylindrical in shape which can be directional or omnidirectional. Their size varies based upon the frequency and gain for which they are designed.

Section 2. Section 808, entitled "Antennae", of Article VIII, entitled "General Regulations", of the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, is hereby amended in its entirety so as to hereafter read as follows:

**"SECTION 808. Antennae.**

**SECTION 808A. Noncommercial Antennae.**

1. Amateur Radio and Citizen Radio Service Stations. In all zoning districts, duly licensed radio and television transmitting and receiving stations of the Amateur Radio Service that are accessory to the established primary use shall be permitted.

2. Noncommercial Radio and Television Transmitting and Receiving Antennae and Noncommercial Antenna Structures.

a. Noncommercial radio and television transmitting and receiving antennae and noncommercial antenna structures mounted atop an existing building shall not exceed a height of twenty-five feet (25') above the established roof line. These structures shall include roof mounted and chimney mounted structures.

b. Noncommercial radio and television transmitting and receiving antennae and noncommercial antennae structures

ground mounted or bracketed to the side of existing an building shall not exceed seventy-five feet (75') in height.

c. In all zoning districts, noncommercial radio and television transmitting and receiving antennae and noncommercial antenna structures which propose to exceed the height specifications in subsections a. and b. above shall be governed by subsection 3 of this section.

3. Noncommercial Antennae.

a. Noncommercial antennae and noncommercial antenna structures exceeding the height specified in subsection 2 of this section shall be permitted in all zoning districts provided that the allowing requirements are met along with any other requirements deemed necessary by the Zoning Hearing Board so as to protect the health, safety and welfare of the public.

(i) Such noncommercial antennae and noncommercial antenna structures shall meet the yard requirements of the primary use in the district except that guy wires and anchors may be located within such required yards regardless of any setback requirements specified elsewhere.

(ii) The applicant shall submit to the Board feasibility studies and valid engineering data.

(iii) Such noncommercial antennae and noncommercial antenna structures shall conform to all other applicable federal, state and local codes and ordinances.

**SECTION 808B. Regulations for Cellular Communications Antennae.** In recognition of the quasi-public nature of cellular communications systems, the following regulations shall apply:

1. Purpose.

a. To accommodate the need for cellular communications antennae while regulating their location and number in the Township and in the Borough.

b. To minimize adverse visual effects of cellular communications antennae and cellular communications antenna

support structures through proper design, sighting and vegetative screening.

c. To avoid potential damage to adjacent properties from cellular communications antenna support structure failure and falling ice, through engineering and proper sighting of cellular communications antenna support structures.

d. To encourage the joint use of existing and any new cellular communications antenna support structures and to reduce the number of such structures needed in the future.

## 2. Use Regulations.

a. A cell site with cellular communications antenna that is attached to an existing communications tower, smokestack, water tower or other tall structure is permitted in the R-1 (Farm), R-2 (Suburban Residential) and L-1 (Limited Industrial) Zoning Districts. The height of the cellular communications antenna shall not exceed the height of the existing structure by more than fifteen feet (15'). If the cellular communications antenna is to be mounted on an existing structure, a full Site Plan shall not be required.

b. A cell site with cellular communications antenna that is either not mounted on an existing structure, or is more than fifteen feet (15') higher than the structure on which it is mounted, is permitted by special exception in the R-1 (Farm), R-2 (Suburban Residential) and L-1 (Limited Industrial) Zoning Districts if approved by the Zoning Hearing Board under the provisions of Section 1005C.

c. All other uses ancillary to the cellular communications antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted as an accessory structure in the Zoning District in which the cell site is located.

## 3. Standards for Approval of Special Exception.

a. The cellular communications company and/or applicant is required to demonstrate, using technological evidence, that the cellular communications antenna must be located where it is proposed in order to satisfy its function in the company's and/or applicant's grid system.

b. If the cellular communications company and/or applicant proposes to build a tower (as opposed to mounting the cellular communications antenna on an existing structure), it is required to demonstrate that it contacted the owners of the tall structures within a one-quarter (1/4) mile radius from the proposed site, requested permission to install the cellular communications antenna on those structures, and was denied for reasons other than economic reasons. Tall structures include, but are not limited to, smokestacks, utility transmission poles, water towers, tall buildings, cellular communications antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall structures. The Zoning Officer may deny the applications to construct a new tower if the applicant has not made a good faith effort to mount the cellular communications antenna on an existing structure.

4. Micro-Cell Standards. Coverage area for a micro-cell is typically a one (1) mile radius or less. Micro-cells shall not exceed the following maximum characteristics:

a. Pole Height: Not to exceed the height limit of the underlying Zoning District as measured from the average elevation of the finished grade of the building or structure; height is measured to the top of the antenna.

b. Permissible Number of Whip or Panel Antennas: Four (4).

c. Permissible Number of Microwave Antennas: One (1).

d. Size of Cellular Communications Antennae.

(i) Whip Antennas. No greater than three inches (3") in diameter and up to twenty feet (20') long for each such antenna.

(ii) Panel Antennas. No greater than one (1) square foot of surface area for each such antenna.

(iii) Microwave Antennas. As allowed by the applicable Zoning District regulations.

e. Size of Accessory Building: No building permitted.



f. Setback Requirements: The setback requirements as established for any accessory building or structure within the applicable Zoning District shall apply.

5. Repeater Facility Standards. Repeater facilities shall not exceed the following maximum characteristics:

a. Pole Height: In all Zoning Districts, not to exceed the underlying Zoning District height limit as measured from the average elevation of the finished grade of the building or structure; height is measured to the top of the cellular communications antennae.

b. Permissible Number of Whip Antennae or Panel Antennae: Four (4).

c. Permissible Number of Microwave Antennas: One (1).

d. Size of Cellular Communications Antennae:

(i) Whip Antennas. No greater than three inches (3") in diameter and twelve feet (12') long.

(ii) Panel Antennas. Four (4) feet square of surface area for each such antenna.

(iii) Microwave Antennas. As allowed by applicable Zoning District regulations.

e. Size of Accessory Building: One (1) accessory building up to one hundred (100) square feet of gross floor area (GFA) in size.

f. Setback Requirements: The setback requirements as established for any accessory building or structure within the applicable Zoning District shall apply.

6. Roof and/or Building Mount Facility Standards. Roof and/or building mount facilities must be screened, constructed or colored to match the existing structure to which they are attached. Roof and/or building mounted facilities shall not exceed the following maximum criteria:

a. The facility may include up to a maximum of four (4) whip antennas, which may extend a maximum of fifteen feet (15')

above the highest portion of the structure to which they are attached, including any rooftop appurtenances.

b. The facility may extend a maximum of six feet (6') above the highest portion of the structure to which it is attached, including any rooftop appurtenances.

c. A single accessory building may be constructed provided that the building does not exceed five hundred (500) square feet of gross floor area (GFA).

d. Cellular communications antennae on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Cellular communications antennae mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve inches (12") in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color.

e. Any applicant proposing any cellular communications antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation shall not exceed the structural capacity of the building or structure, considering wind and other load associated with the cellular communications antenna location.

#### 7. Additional Standards For Approval of All Cellular Communication Antennae.

##### a. Cellular Communications Antenna Height.

(i) For a cell site with cellular communications antennae that is not mounted on an existing structure, the maximum height shall be one hundred fifty feet (150') feet. The applicant shall demonstrate that the cellular communications antenna is the minimum height required to function satisfactorily and shall reduce the height of the cellular communications antenna or cellular communications antenna support structure as technology

permits. No cellular communications antenna that is taller than the minimum height shall be approved.

(ii) Whip antennas on a free-standing low power mobile radio service facility may extend the maximum of fifteen feet (15') above the highest portion of a structure to which they are attached; panel antennas may extend a maximum of six feet (6') above the highest portion of the structure to which they are attached.

(iii) For purposes of Zoning District height limitations, the height of free-standing low power mobile radio service telecommunications facilities shall be measured from the average elevation of the finished grade of the building or structure.

b. Setbacks From Base of Cellular Communications Antenna Support Structure. If a new cellular communications antenna support structure is constructed (as opposed to mounting the cellular communications antenna on an existing structure), the minimum distance between the base of the cellular communications antenna support structure, or any guy wire anchors and any property line shall be the largest of the following:

(i) One hundred percent (100%) of the cellular communications antenna height;

(ii) The minimum setback of the underlying Zoning District; or

(iii) Forty feet (40').

c. Cellular Communications Antenna Support Structure Safety.

(i) The applicant shall demonstrate that the proposed cellular communications antenna and cellular communications antenna support structure are safe, and the surrounding areas will not be affected negatively by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. The applicant shall submit a copy of a Certificate of Insurance evidencing general liability coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence covering

the proposed communications tower and cellular communications antennae. Said insurance coverage shall be maintained during the useful life of the subject cellular communications antennae and/or cellular communications antenna support structure. All cellular communications antenna support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(ii) All cellular communications antenna, cellular communications antenna support structures, cross bars, lattice towers, monopoles, repeaters and communication towers generally must meet the American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association steel tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in Centre Township and in Centerport Borough. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements and certify proper construction of the foundation and erection of the tower, including the ability to carry multiple cellular communications antennae.

(iii) There shall be no inhabited structures or overhead electrical transmission lines within a two hundred foot (200') foot radius of the tower, unless such tower is mounted on a pre-existing utility transmission pole.

(iv) All communication tower owners shall provide Centre Township and Centerport Borough with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within Centre Township and Centerport Borough and is in compliance with all Federal Communications Commission regulations, including electromagnetic radiation limitations.

(v) If measurable radio interference does result from the installation and use of the communication tower,

the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.

(vi) The owner of any communication tower shall be required to annually submit to Centre Township and to Centerport Borough proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.

(vii) No communication tower shall be allowed within one and one-half (1-1/2) miles of another tower.

(viii) If there is suitable space available on an existing communication tower within the geographic area that a new cell site would serve, no new cell site should be established.

(ix) In addition to the above, all other applicable performance standards applicable to the Zoning District in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a communication tower.

d. Fencing. A fence shall be required around the cellular communications antenna support structure and other equipment, unless the cellular communications antenna is mounted on an existing structure. The fence shall be not less than eight feet (8') in height, shall not contain openings greater than nine (9) square inches, shall contain gates which are kept locked at all unoccupied times and shall otherwise comply with the height regulations set forth in the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended.

e. Landscaping. Landscaping shall be required to screen as much of the support structure as possible. Screening should be planted near the fence surrounding the cellular communications antenna support structure, and any other ground level features (such as a building) and, in general, to soften the appearance of the cell site. The landscape screening shall comply

with the regulations set forth in the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended.

(i) An evergreen screen shall be required to surround the site. The screen may be either a hedge (planted three feet (3') on center maximum) or a row of evergreens (planted ten feet (10') on maximum). The evergreen screen shall be a minimum height of six feet (6') at planting and shall grow to a minimum height of fifteen feet (15') at maturity.

(ii) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

f. In order to reduce the number of cellular communications antenna support structures needed in the community in the future, the proposed cellular communications antenna support structure shall be required to accommodate a minimum of three (3) other users, including other cellular communication companies, and the local police, fire and ambulance companies.

g. The cellular communication company and/or other applicant must demonstrate that it is licensed by the Federal Communications Commission and that it is in compliance with any requirements of the Federal Aviation Administration.

h. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.

i. Access. Access shall be provided to the cellular communications antennae, cellular communications antenna support structure and/or cellular communications accessory structure by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface for its entire length.

j. Signage and Lighting. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

k. Cellular communications antenna support structures under one hundred fifty feet (150') in height shall be painted silver or shall have a galvanized finish retained in order to reduce the visual impact. Cellular communications antenna support structures may be painted green up to the height of nearby trees, and must, to the greatest extent possible, be consistent with the surrounding landscape.

l. A full Site Plan shall be required for all cell sites, showing the cellular communications antenna, cellular communications antenna support structure, building, fencing, buffering, access and all other items required by the Subdivision and Land Development Ordinance of the Township of Centre and of the Borough of Centerport. The Site Plan shall not be required if the cellular communications antenna is to be mounted onto an existing structure.

m. The applicant shall be required to assure removal of, and to remove, at the applicant/owner's sole cost and expense and to the Township's and to the Borough's satisfaction, the tower and cellular communications antenna support structure within one (1) year of the date the use of the tower is discontinued."

Section 3. 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 impact any other remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Centre and the Borough of Centerport that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

Section 4. The remaining provisions of the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, and as enforced immediately before the enactment of this Ordinance, are intended to be continued and, to the extent not inconsistent herewith, are hereby re-enacted and re-ordained; any sections inconsistent with the amendments hereinbefore referenced are hereby repealed as referenced.

Section 5. This Ordinance shall take effect on the earliest date allowed by law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, this 12<sup>th</sup> day of July 1999.

✓ TOWNSHIP OF CENTRE

Ronald E. Knepp  
Ronald E. Knepp, Chairman

Larry C. Zimmerman  
Larry C. Zimmerman

Wilmer H. Phillips  
Wilmer H. Phillips

Attest: Ruth A. Borkey  
Ruth A. Borkey, Secretary

[SEAL]

ENACTED AND ORDAINED by the Borough Council of the Borough of Centerport, Berks County, Pennsylvania, this 28th day of June, 1999.

BOROUGH OF CENTERPORT

By: Jim Batchas  
President of Borough Council

By: Carolyn L. Surlap  
Council Person

By: Randy F. Dundy  
Council Person

By: \_\_\_\_\_  
Council Person

By: Dennis M. Hange  
Council Person

By: \_\_\_\_\_  
Council Person

By: \_\_\_\_\_  
Council Person

Attest: Ruth A. Borkey  
Ruth A. Borkey, Secretary

[SEAL]

Approved this 28th day of June, 1999.

Robert J. Schaele  
Mayor