

**BOROUGH OF LIGONIER
COUNTY OF WESTMORELAND
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 574**

Small Wireless Facility Ordinance

**AN ORDINANCE TO ESTABLISH REQUIREMENTS RELATING TO THE
PERMITTING, PLACEMENT, INSTALLATION AND STANDARDS FOR SMALL
CELL WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC
RIGHTS OF WAY**

WHEREAS, the Borough of Ligonier (“Borough”) encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Cell Wireless Facilities while managing Public Rights-of-Way in a manner that promotes the interests of the public health, safety and welfare; and,

WHEREAS, the Borough recognizes that Small Cell Wireless Facilities, including facilities commonly referred to as small cell and distributed antenna systems, are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to residences, businesses and schools within the Borough; and,

WHEREAS, the Borough recognizes that Small Cell Wireless Facilities may be responsibly deployed in Public Rights-of-Way; and,

WHEREAS, this Ordinance is intended to establish a standard application process to streamline the issuance of necessary permits in a manner that is not a barrier to competition, and does not unnecessarily delay the implementation and installation of Small Cell Wireless Facilities; and,

WHEREAS, the Borough believes that it is necessary to enact regulations and standards to protect its Public Rights-of-Ways to make sure that those entities intending to install Small Cell Wireless Facilities do so in a manner that protects the integrity of said Rights-of-Ways.

BE IT ORDAINED, and it is hereby enacted and ordained by the Council of the Borough of Ligonier in session lawfully assembled as follows:

CHAPTER 135
STREETS AND SIDEWALKS

ARTICLE X
Communication Systems in Public Rights-of-Way

§ 135-54. Purpose and Scope

The purposes of this Ordinance include establishing appropriate regulations, rules and standards for the permitting, placement, installation and operation of Small Cell Wireless Facilities in the Public Rights-of-Ways in Ligonier Borough and to regulate such facilities in accordance with Pennsylvania and Federal Telecommunications Acts and regulations.

- A. To provide policies and procedures for the beneficial placement of Small Cell Wireless Facilities within Ligonier Borough.
- B. To facilitate the responsible deployment of Small Cell Wireless Facilities to provide the citizens and businesses with the benefits of advanced wireless services.
- C. To establish uniform application fees, approval timeframes and design and review standards.
- D. To prevent the placement of Small Cell Wireless Facilities that would interfere with the use of streets, sidewalks, alleys, parking areas and other public ways and places.
- E. To prevent visual and physical obstructions that would be hazardous to vehicular and pedestrian traffic.
- F. To prevent the interference with other facilities installed according to existing codes and ordinances.
- G. The preservation of the character of Ligonier Borough, to the extent practical where facilities are installed, by minimizing the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish.
- H. The preservation of the character of the Diamond Commercial Zoning District and historic structures, including but not limited to such structures or neighborhoods listed on the National Register of Historic Places or locally designated historic landmarks.

§ 135-55. Definitions

Accessory Equipment - any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "Accessory Equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna - an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

Applicant - Small Cell Wireless Communications Facility - any person that applies for a Small Cell Wireless Facility Permit.

Collocation - the mounting of one or more facility, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a facility on that structure.

Distributed Antenna System (DAS) - network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

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.

Equipment Compound - an area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

FCC - Federal Communications Commission.

Height of a Tower-Based WCF -the vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

Modification or Modify - the improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Non-Tower Wireless Communications Facility (Non-Tower WCF) - Wireless communications facilities located or collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Person - individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that "Person" does not include or apply to the Borough, or to any department or agency of the Borough.

Pole Facility – A wireless communications facility located in the public rights-of-way with a support structure consisting of a single new utility pole installed for the primary purpose of supporting one or more WCF.

Replacement - the replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Small Cell Wireless Communications Facility -A wireless communications facility that meets the following criteria:

- (1) The structure on which antenna facilities are mounted—
 - (i) is 50 feet or less in height, or
 - (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

Substantially Change or Substantial Change -A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

- (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (4) It entails any excavation or deployment outside the current site;
- (5) It would defeat the concealment elements of the eligible support structure; or
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

Stealth Technology—camouflaging methods that render facilities 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.

WBCA -Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)

Wireless - transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Support Structure - a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service.

§ 135-56. Small Cell Wireless Facility Permit

- A. Permit Required - no person or entity shall use, place, install or operate a Small Cell Wireless Facility nor shall any wireless support structures, accessory equipment or similar infrastructure be deployed in, over or upon any Borough right-of-way, unless such person or entity first applies for and obtains a Small Cell Wireless Facility Permit from Ligonier Borough. A Permit shall not be required for routine maintenance activities.
- B. Permit Applications - the Ligonier Borough Small Cell Wireless Facility Permit Application shall be on a form prescribed by the Borough and made available by the Zoning Officer or on the Borough's website under Download Ligonier Borough Forms & Applications. Permit Applications shall be accompanied by Fees in accordance with the Schedule of Fees for Small Cell Wireless Facilities established in § 135-58 of this Ordinance.
- C. Consolidated Applications - an Applicant seeking to install multiple Small Cell Wireless Facilities may, at the Applicant's discretion, file a consolidated Application and receive a single permit for up to five (5) Small Cell Wireless Facilities. Provided, however, the Borough's denial of any site or sites within a Consolidated Application shall not affect other sites submitted in the same Application.
- D. Application Review and Approval Requirements – Applications will be reviewed by and acted upon by the Borough Zoning Officer. The Zoning Officer shall have the discretion to obtain input from the Borough Engineer, Solicitor and other experts or consultants to support the review of the Application.
- E. Application Requirements - the Ligonier Borough Small Cell Wireless Facility Permit Application submission shall be made by the facility's owner or a duly authorized representative. Permit Applications will include all descriptive and technical information and attachments required by the Borough, in such number and format as the Borough may direct, to allow the Zoning Officer to determine whether:
 - the proposed installation is properly designed and adheres to the intent of this ordinance.
 - the proposed installation will not interfere with the Borough's use of the Right-of-Way.

Applications shall include:

1. The Applicant's and Facility owner's, if different from Applicant, contact information.
2. Identification of any other representative acting on behalf of the Applicant or Owner and that is authorized to speak with the Borough regarding the Application.

3. Fully dimensional Site Plans, Construction drawings and elevation data drawn to scale shall be submitted, showing:
 - a. Any existing wireless communications facilities, equipment or supporting structures within one thousand (1,000) feet of the proposed installation site;
 - b. An Aerial map showing proposed location of the Small Cell Wireless Facility(s); and
 - c. Drawing(s) and a written description of the proposed scope of work for the installation of the Small Cell Wireless Facility.
4. A full description of the number and dimensions of all facilities proposed to be installed, including the support structure, either new or existing, to be utilized for each Small Cell Wireless Facility. For all equipment proposed to be installed, include:
 - a. the manufacturer's name and model number;
 - b. physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and
 - c. the ambient noise level generated from the equipment, if any.
5. Visual impact demonstrations using photographic simulations of the proposed Small Cell Wireless Facility and infrastructure deployment as seen from reasonable surrounding locations and angles and showing the color of all equipment.
6. A written description, supported by photographs and/or other visuals, of all stealth technology to be employed and landscaping or screening plans.
7. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit, with its application, copies of all FCC permits and licenses and any PUC certification.
8. Applicant must demonstrate that the proposed Small Cell Wireless Facility and infrastructure will comply with all applicable standards established by the Federal Communications Commission.
9. The Applicant shall provide to Borough a certificate of insurance issued to the Applicant, evidencing that there is or will be adequate current liability insurance in effect.

10. Applicant shall agree that it will repair all damage to the Right-of-Way directly caused while occupying, installing, repairing, or maintaining the Small Cell Wireless Facility(s) and to return the Right-of-Way to its functional equivalence before the damage. If the Applicant fails to make the repairs required by the Borough within forty-five (45) days after written notice, unless the Borough and the Applicant agree in writing to a longer time period, the Borough may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The Borough may maintain an action to recover the costs of the repairs.

§ 135-57. Review of Small Wireless Facility Applications

The Ligonier Borough Zoning Officer shall review the submitted Small Cell Wireless Facility Permit Application for conformity with applicable requirements and conditions established in this Ordinance, and shall issue or deny Permits to install Small Cell Wireless Facilities based on nondiscriminatory terms and conditions. Permit decisions will be in writing and permit denials will state the reason(s) for the denial.

- A. The Borough encourages potential Applicants to conduct an informal pre-submittal conference with the Borough. Conducting a pre-submittal conference shall not be considered the start of the Application Submission review period.
- B. The Borough Zoning Officer shall conduct a Completeness Review of submitted Applications within ten (10) days of their submission. Determining the completeness of an Application shall be at the sole discretion of the Zoning Officer. Applications deemed to be incomplete shall be returned to the Applicant along with written instructions that clearly and specifically identify the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information. Return of an Application for incompleteness shall reset the applicable Application review period. The Application review period will not begin until the Applicant submits all the required documents and information to make the Application complete.
- C. The Borough shall have sixty (60) days from the date the Zoning Officer determines that an Application Submission for installation of a Small Cell Wireless Facility using an existing utility pole is complete to issue or deny a Permit Application. These sixty (60) days also applies to issuing all other Borough permits, approvals and authorizations needed to install the facility.
- D. The Borough shall have ninety (90) days from the date the Zoning Officer determines that an Application Submission for installation of a Small Cell Wireless Facility using a new support structures is complete to issue or deny a Permit Application. These ninety (90) days also applies to issuing all other Borough permits, approvals and authorizations needed to install the facility

- E. The Borough shall notify the Applicant, in writing, of its final decision to approve or deny a Permit within the applicable review period described above. If the Application is denied, the basis for a denial, including citations to federal, state or local code provisions and/or statutes on which the denial was based will be provided.
- F. If the Borough fails to act on an Application within the sixty (60) day review period (or within the ninety (90) day review period for an Application proposing installation of a new pole), the Applicant may provide notice to the Borough that the time period for acting on the Application has lapsed and that the Application is considered approved.
- G. The Applicant and/or the designated facility installer shall notify the Borough at least two (2) days in advance of when the facility will be installed.
- H. Within five (5) days of completion of the installation of the Small Cell Wireless Facility(s) and/or wireless support structure, the Applicant shall give notice thereof to the Borough. The Borough's Public Works Director and Zoning Officer shall inspect the work with the installer and when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the Permit and this Ordinance.
- I. The Borough may revoke any Permit issued for violating any provision of this Ordinance or causing/creating any condition constituting a nuisance or endangering life or property.

§ 135-58. Schedule of Fees

All submitted Small Cell Wireless Facility Permit Applications pursuant to this Ordinance shall be accompanied by the following nonrefundable Fees appropriate for the Application type:

- A. FIVE HUNDRED (\$500.00) DOLLARS for a single Application submission to install one to five (1-5) Small Cell Wireless Facilities using existing utility poles. The Application Fee will increase by ONE HUNDRED (\$100.00) DOLLARS for each proposed Small Cell Wireless Facility beyond five (5).
- B. ONE THOUSAND (\$1,000.00) DOLLARS for a single Application to install a Small Cell Wireless Facility using a new wireless support structure (installing a new utility pole). This Fee also applies to a single Application proposing to install multiple Small Cell Wireless Facilities on a single new wireless support structure.
- C. TWO HUNDRED FIFTY (\$250.00) DOLLARS annually for each Small Cell Wireless Facility permitted and installed per this Ordinance on an existing utility pole.
- D. FIVE HUNDRED (\$500.00) DOLLARS annually for each Small Cell Wireless Facility permitted and installed per this Ordinance on a new wireless support structure (new utility pole).

- E. In addition to the nonrefundable Application Fees set forth above, the Applicant shall reimburse the Borough for all reasonable costs of its Engineer, Solicitor and other experts or consultants in connection with review of the Application. An initial deposit of ONE THOUSAND (\$1,000.00) DOLLARS shall accompany the Application and be applied to reimbursable review fees as they are incurred. If at any time the remaining deposit balance is below 50% of the initial deposit, then Applicant shall replenish the account up to the original amount. If the amount deposited exceeds the Borough's actual review costs, the remaining balance shall be refunded to the Applicant.

§ 135-59. Location Requirements

The following requirements should be considered by Applicants prior to submitting their Small Cell Wireless Facility Permit Application. The requirements may be waived by the Zoning Officer during review of the Application upon a showing that the particular location of a Small Wireless Facility does not warrant such conditions, that they impose an excessive expense to the Applicant or for any other reasons identified by the Zoning Officer.

A. Most Preferable Locations –

1. The following are the most preferred Zoning Districts for installing new Small Cell Wireless Facilities in the order of preference (1 being most preferable):
 - a. LW – Light Industrial/Warehouse District
 - b. R1-R4 - Residential Districts
 - c. VR – Village Residential
 - d. C2-C3 - Commercial Districts

An official Zoning map is kept on file at the Borough Zoning office. It can also be viewed at <http://75.151.252.249/LigonierPublic/>

2. It is the Borough's strong preference that Applicant's propose to collocate Small Cell Wireless Facilities on an existing wireless support structure or utility pole.
3. It is the Borough's strong preference that Small Wireless Facilities and wireless support structures be located in line with existing lot lines or equidistance from any two existing structures.
4. It is the Borough's strong preference that Small Cell Wireless Facilities and wireless support structures be located equal distance between trees, utility poles and streetlights when possible.
5. When installation of the new utility pole is proposed, the Applicant shall provide evidence of the need for the proposed new utility pole but, shall not be required to provide proprietary data.

B. Least Preferable Locations –

1. Small Cell Wireless Facilities should be located outside of the following areas to the extent practical:
 - a. C1 - Diamond Commercial Zoning District is the least preferable location. All efforts to locate a facility outside of this area should be made by the Applicant.
 - b. No Small Cell Wireless Facilities shall be permitted within the Limits of Work of the Diamond Park Renaissance Project nor shall any Small Cell Wireless Facility be installed that may otherwise visually impact the Ligonier Diamond Park area.

A map showing the Limits of Work is kept on file at the Borough Zoning Office.

C. Additional Guidelines and Standards On Placement –

1. The following additional guidelines shall be followed regarding placement of Small Cell Wireless Facilities within the Borough:
 - a. Small Cell Wireless Facilities or similar infrastructure deployment shall not be located within one hundred (100) feet of an area in which all utilities are located underground;
 - b. Small Cell Wireless Facilities and wireless support structures shall not be located closer than one hundred fifty (150) feet away, radially, from another existing Small Cell Wireless Facility and wireless support structure;
 - c. Small Cell Wireless Facilities shall not be placed on any existing decorative streetlight poles;
 - d. Small Cell Wireless Facilities and wireless support structures shall not be located in a manner that impedes, obstructs or hinders usual pedestrian, cyclist or vehicular travel or public safety;
 - e. Small Cell Wireless Facilities and wireless support structures shall not be located in a manner that obstructs the legal use of a right-of-way by any other utility provider;
 - f. Small Cell Wireless Facilities and wireless support structures shall not be located in a manner that violates the federal Americans with Disabilities Act;
 - g. Small Cell Wireless Facilities and wireless support structures shall not be located in a manner that negatively impacts the structural integrity of the associated wireless support structure.

- h. Small Cell Wireless Facilities and wireless support structures shall not be located along the frontage of any building or structure listed on the National Register of Historic Places or properties determined to be eligible for listing on the National Register of Historic Places or other known historic properties (see Ligonier Valley Joint Comprehensive Plan);
- i. Small Cell Wireless Facilities and wireless support structures shall not be located within sight triangles at street intersections;
- j. Small Cell Wireless Facilities and wireless support structures shall not be located directly in front of an entrance way or front facing window of any residential, commercial or industrial structure;
- k. Small Cell Wireless Facilities and wireless support structures shall not be located in a manner that impedes appropriate clearance of another existing utility.

§ 135-60. Design Standards for Small Wireless Facilities

Ligonier Borough intends that the following requirements and conditions be met by each Small Cell Wireless Facility installation. The requirements and conditions may be waived by the Zoning Officer during review of the Application upon a showing that the particular location of a Small Cell Wireless Facility does not warrant such conditions, that they impose an excessive expense to the Applicant or for any other reasons identified by the Zoning Officer.

A. Stealth Technology -

All Small Cell Wireless Facilities and associated equipment shall employ the most current Stealth Technology available, where appropriate and technically feasible, in an effort to appropriately blend the proposed Facility(s) into the surrounding environment and minimize aesthetic impact. A proposed Small Cell Wireless Facility should be designed to not be significantly more readily apparent or plainly visible than any other existing utility structures, poles and equipment located within five hundred (500) linear feet of the proposed installation point.

- 1. Colors - The Small Cell Wireless Facility and associated equipment including the antenna, cables and wires, equipment cabinets and other supportive equipment should have such color as may be commercially and technically feasible to achieve.
 - a. All colors of the Small Cell Wireless Facility should reasonably match the color of the wireless support structure and the background area to avoid unsightly or out-of-character deployments.
 - b. For new metal poles supporting a Small Cell Wireless Facility, the pole color and design should match, as nearly as practical, those existing surrounding poles or shall, where commercially and technically feasible, be such color as required by the Borough to avoid unsightly or out-of-character deployments.

- c. In the case of a Small Cell Wireless Facility being attached to an existing wood utility pole, finishes of conduit should be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.
2. Lighting - Small Cell Wireless Facilities and wireless support structures should not be artificially illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy.
3. Screening - Landscape screening should be provided and maintained around exterior equipment enclosures unless otherwise approved by the Borough. The planting quantity and size should be such that 100% screening is achieved within two (2) years of installation. Concealment may also include, but not limited to, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

B. Antennas –

1. Any Antenna associated with a Small Cell Wireless Facility shall not exceed three (3) cubic feet in volume.
2. All pole-top Antennas shall be flush-mounted as closely to the top of the utility pole as technically feasible.
3. All Antennas shall be of a design, style and color that reasonably matches the utility pole upon which they are attached.
4. Any necessary pole-top extension shall be of the minimum height necessary to achieve separation from the existing pole attachments.
5. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances.
6. If mounted on an existing structure, no Antenna shall impair the function of said structure.
7. Antenna placement shall not impair light, air or views from the surrounding area.

C. Accessory Equipment –

1. Shall not exceed twenty-eight (28) cubic feet in volume. Stealth Technology shall not be included in the Accessory Equipment volume calculation.
2. Accessory Equipment shall be mounted flush to the side of a utility pole, or as near flush to the side of a utility pole as technically feasible.

3. Accessory Equipment shall be mounted so as to provide a minimum of eight (8) feet vertical clearance from ground level.
4. Accessory Equipment shall be of a color that reasonably matches the utility pole upon which such Accessory Equipment is mounted.
5. All Accessory Equipment shall be contained within a single equipment shroud or cabinet.
6. All Small Cell Wireless Facilities shall have a posted sign in a readily visible location identifying the owner's permit number and the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency. Signage required under this section shall not exceed four (4) inches by six (6) inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the Borough.
7. Accessory Equipment placement shall not impair light, air or views from adjacent windows.
8. No Accessory Equipment shall feature any lighting, including flashing indicator lights, unless required by state or federal law.

D. Cables and Wires –

1. Exposed wiring is prohibited.
2. All cables, wires and connectors related to the Small Cell Wireless Facility must be fully concealed.
3. There shall be no external cables and wires related to the Small Cell Wireless Facility hanging off or otherwise exposed on the wireless support structure.
4. Transmission, fiber, power cables and any other wiring shall be contained within any utility pole for which such concealment is technically feasible. If wiring cannot be contained within the utility pole, all wiring shall be contained within conduit or U-guard that is flush-mounted to the utility pole.
5. All wiring shall be installed without excessive slack or extra cable storage on the utility pole.
6. Any conduit or U-guard shall be of a color that reasonably matches the utility pole to which the Small Cell Wireless Facility is attached.
7. Loops of extra wiring shall not be attached to any utility pole.

E. Equipment Enclosures –

1. Equipment enclosures, including for electric meters, and radio equipment shall be as small as possible.
2. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Borough.

F. Logos/Decals –

1. Any unnecessary equipment manufacturer decals shall be removed or painted over. The color shall match or shall be approved by the Borough.
2. No advertisements or notices, other than what is required by a federal, state or local agencies, are permitted.

G. Tree/Vegetation Pruning -

1. Tree and vegetation pruning to aid in the installation of Small Cell Wireless Facilities and wireless support structures is prohibited, unless approved by the Borough.
2. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the Right-of-Way must be noted in the application and must be approved by the Borough.

H. Wind/Ice –

All Small Cell Wireless Facilities and support equipment shall be designed to withstand the effects of wind gusts and ice 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, as amended), or to the industry standard applicable to the structure.

§ 135-61. Discontinuation, Abandonment and Removal

In the event that use of a Small Cell Wireless Facility or any portion thereof, is planned to be discontinued, the owner/operator shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued.

- A. Unused or abandoned Small Cell Wireless Facilities or any unused or abandoned portions thereof shall be removed within six (6) months of the cessation of operations, unless a time extension is approved by the Borough. This includes all unused or abandoned utility poles installed specifically to install the Small Cell Wireless Facility.

- B. If the Small Cell Wireless Facility is not removed within six (6) months of the cessation of operations or within any longer period approved by the Borough, the facility and equipment may be removed by the Borough and the Borough's costs in connection with removal, including professional or consultant fees, and the cost of removal work and site remediation, may be assessed against the owner of the facility or the property upon which the facility was located.
- C. As long as any portion of the Small Cell Wireless Facility installed per this Ordinance remains installed, whether used or unused, the annual fee established in § 135-58 of this Ordinance shall be owed by the owner/operator.

§ 135-62. Penalties and Remedies


- A. Any person who shall violate any provision of this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine not exceeding ONE THOUSAND (\$1,000.00) DOLLARS for each violation, together with costs of prosecution in each case. Upon judgment against any person by summary conviction or proceedings by summons, on default of payment of fine or penalty imposed and costs, defendant may be sentenced and committed to the County Prison for a period not exceeding thirty (30) days.
- B. In addition to the above penalty, any person violating any provision of this Ordinance may be enjoined by civil proceedings.

§ 135-63. Severability

- A. 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 of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.
- B. Any Ordinance or part of Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

ORDAINED AND ENACTED this 12 day of December, 2019 by Council of the Borough of LIGONIER and effective immediately upon the passing and execution of all signatures.

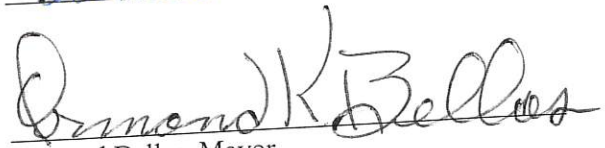
BOROUGH OF LIGONIER

By: 
James B. St. Clair, President of Council

ATTEST:


Janette M. Shaw, Secretary

Examined and approved this 12th day of December, 2019.


Ormond Bellas, Mayor

