

SALFORD TOWNSHIP  
Montgomery County, Pennsylvania  
Proposed Ordinance #185

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AN ORDINANCE AMENDING ARTICLE II (DEFINITIONS), SECTION 200  
ADDING DEFINITION OF SMALL CELL WIRELESS FACILITIES

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ENACTED: June 15, 2022

SECTION 1. Article II, Section 200 of the Salford Township Zoning Code is hereby amended by adding the following terms and definitions:

Definitions.

- (1) "Antenna" means an apparatus designed for the purpose of emitting radiofrequency (RF) signals, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services.
- (2) "Applicable codes" means zoning, uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted solely to address imminent threats of destruction of property or injury to persons, to the extent not inconsistent with this Section.
- (3) "Collocate" or "collocation" means to install, mount, maintain, modify or replace small wireless facilities on an existing utility pole or other wireless support structure.
- (4) "Communications service provider" means a cable operator, as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
- (5) "Emergency" is a condition that: (i) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (ii) has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the services provided.
- (6) "FCC" means the Federal Communications Commission of the United States.
- (7) "Micro wireless facility" means a wireless facility that meets the following qualifications: (i) does not exceed two cubic feet in volume; and, (ii) has an exterior antenna no longer than 11 inches.
- (8) "Permit" means a written authorization required by the Township to perform an action or initiate, continue, or complete a project.
- (9) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Township.
- (10) "Rights-of-Way" or "ROW" means the area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway, in the Township.

- (11) “Small wireless facility” means a facility that meets each of the following conditions:
- a. The structure on which antenna facilities are mounted is 50 feet or less in height;
  - b. Each antenna (excluding associated antenna equipment) is cumulatively no more than three cubic feet in volume;
  - c. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;
  - d. The facility does not require antenna structure registration under 47 CFR Part 17; and
  - e. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).
- (12) “Utility pole” means a pole or similar structure that is used in whole or in part for the purpose of carrying or providing lateral support to electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting.
- (13) “Wireless communication facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated.
- (14) “Wireless infrastructure provider” means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- (15) “Wireless provider” means a wireless infrastructure provider or a wireless services provider.
- (16) “Wireless services” means any services, whether at a fixed location or mobile, provided to the public using wireless facilities.
- (17) “Wireless services provider” means a person who provides wireless services.

- (18) “Wireless support structure” means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; existing billboard; or, other existing or proposed, permitted structure designed to support or capable of supporting wireless facilities. Such term shall not include a utility pole.

**SECTION 2.** Adding the following new Article 2100 to the Salford Township Zoning

**§ 2100.A Small Wireless Facilities Within the Public Rights-of-Way.**

1. Purpose. The purpose of this Section is to establish policies and procedures for the placement of small wireless facilities and associated utility poles in rights-of-way within the Salford Township’s jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Township’s rights-of-way and the Township as a whole.
2. Intent. In enacting this Section, the Township is establishing uniform standards to address issues presented by small wireless facilities within the Public Rights-of-Way, including, without limitation, to:
  - (a) limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places;
  - (b) limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
  - (c) limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
  - (d) limit environmental damage, including damage to trees;
  - (e) respect the character of the neighborhoods and other areas in which facilities are installed.
3. Permitted Use; Application and Fees.
  - (a) Permit Required. No person shall place a small wireless facility or associated utility pole in the ROW, without first filing an application and obtaining a permit therefore, except as otherwise provided in this Section.
  - (b) Application. All applications for permits filed pursuant to this Section shall be on a form, paper or electronic, provided by the Township. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly

marking each page of such materials accordingly.

- (c) Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, and shall contain the following:
1. The wireless provider's name, address, telephone number, and e-mail address;
  2. The applicant's name, address, telephone number, and e-mail address, if different than the wireless provider, and its interest in the work;
  3. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
  4. A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
  5. A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the ROW, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
  6. An attestation that the small wireless facilities will be fully constructed by a wireless services provider within one year after the permit issuance date, unless the Township and the applicant agree to extend this period.
  7. An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.
- (d) When Application Not Required. An application shall not be required for: (i) routine maintenance or repair work on an existing, permitted Small Wireless facility; (ii) The replacement of an existing, permitted Small Wireless Facility with a Small Wireless Facility that is substantially similar to, the same size as, or smaller than the existing Small Wireless Facility, provided, however, that the replacement Small Wireless Facility still qualifies as a Small Wireless Facility as defined herein, or (iii) for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code. The

Township may require permits to perform work within the Right-of-Way for the activities described above, or Section 2100.A.5, if that work involves excavation, closure of a sidewalk, or closure of a vehicular lane when that work occurs after the completion of the original installation of the Small Wireless Facility. Any permits required pursuant to this paragraph, or Section 2100.A.5, shall be subject to the requirements of the Small Wireless Facility Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*), any applicable laws, codes, regulations, or Township ordinances, and the continued consent of the Utility Pole and property owners.

- (e) **Application Fees.** All applications for permits shall be accompanied by a fee of \$500 for a single up-front application that includes up to five (5) small wireless facilities, with an additional \$100 for each small wireless facility beyond five; and \$1,000 in non-recurring fees for each new or replacement utility pole. Fees must be in compliance with the Small Wireless Facilities Deployment Act ("Act"), 53 P.S. § 11704.1, *et seq.*, and can be changed by Resolution of the Salford Township Board of Supervisors.
- (f) **Right-of-Way Management Fee.** The owner of the small wireless facilities shall pay a Right-of-Way Management Fee of \$270.00 per small wireless facility by January 30th of every year. Fees must be in compliance with the Act and can be changed by Resolution of the Salford Township Board of Supervisors.
- (g) **Consolidated Applications.**
  - 1. An applicant may submit a consolidated application for up to twenty (20) small wireless facilities, if all the small wireless facilities in the consolidated application are substantially the same type.
  - 2. If the Township denies the application for one or more small wireless facilities in a consolidated application, the Township may not use the denial as a basis to delay the application process of any other small wireless facility in the same consolidated application.
  - 3. A single permit may be issued for siting and collocating multiple small wireless facilities spaced to provide wireless coverage in a contiguous area.
  - 4. A single Wireless Provider may not submit more than one (1) consolidated or twenty (20) individual application packages to the Township in any thirty (30) day period. Should a single Wireless Provider submit more than one (1) consolidated or twenty (20) individual application packages

within any forty-five (45) day period, the processing deadlines set forth in Section ###, above shall be extended by an additional fifteen (15) days to allow the Township to complete its completeness review of the application package.

5. The following additional provisions shall apply to consolidated or multiple applications submitted by a single Wireless Provider:
  - a. A single Wireless Provider shall not circumvent the consolidated or individual application package limits by requiring a third-party installation contractor to make application on behalf of that Wireless provider and any application by such a third-party contractor shall be, for the purposes of counting the number of Small Wireless Facilities a single Wireless Provider has before the Township, counted as an application by the Wireless Provider.
  - b. Any application package tolled pursuant to paragraph (3) above or pursuant to Section ###, shall count towards the total number of applications included in a consolidated application package subsequently submitted by a Wireless Provider unless said tolled application package is withdrawn by the Wireless Provider.
  - c. As the processing of non-tolled application packages is completed, the Township will process tolled application packages in the order in which the tolled application packages were submitted unless the Wireless Provider specifies in writing a different processing order preferred by the Wireless Provider.

4. Action on Permit Applications.

(A) Review of Small Wireless Facility and Utility Pole Applications.

1. Within ten (10) business days of receiving an initial application, the Township will determine and notify the applicant whether the application is materially complete. If an application is materially incomplete, as determined in the Township's discretion, the Township will specifically identify the missing documents or information, and the specific rule or regulation creating the obligation to submit such

documents or information. The application review period set forth in subsection 4.A.2. shall restart at zero on the date which the applicant submits all the documents and information identified by the Township to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the Township notifies the applicant within ten (10) business days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable application review period set forth in subsection 4.A.2. shall be tolled until the applicant provides the missing documents and information. The application review period resumes (the date calculation does not restart) to run on the date when the applicant submits all the documents and information identified by the Township to render the application complete.

2. All applications shall be processed on a nondiscriminatory basis, and the Township shall approve or deny an application for: (i) collocation of small wireless facility on an existing, permitted structure within sixty (60) days of receipt of the application, or (ii) within ninety (90) days for applications to deploy a small wireless facility using a new, permitted structure.
3. If the Township fails to issue a decision on an application for a small wireless facility within the required time periods set forth in subsection 4.A.2. of this Section, the application shall be deemed approved.
4. The Township may deny a proposed collocation of a small wireless facility or installation or modification of a utility pole only if the proposed application:
  - (a) Interferes with the safe operation of traffic control equipment.
  - (b) Interferes with sight lines or clear zones for transportation or pedestrians.
  - (c) Interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
  - (d) Fails to comply with reasonable and nondiscriminatory spacing requirements that apply to other communications service providers and electric utilities in the ROW and that concern the location of ground-



mounted equipment and new utility poles. Such spacing requirements shall not prevent a small wireless facility from serving any location.

- (e) Fails to comply with applicable codes.
- (f) Fails to comply with the requirements in section 2100.A.5. of this Section.

5. The Township shall document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the Township denies an application. The applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The Township shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial.

(B) Permit Scope and Effect. Installation, modification, or collocation for which a permit is granted pursuant to this section shall be completed within one (1) year after the permit issuance date unless the Township and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications facilities at the site. Approval of an application authorizes the applicant to:

1. Undertake the installation, modification, or collocation; and
2. Subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of not less than ten (10) years.

(C) Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Section, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the ROW.

5. Small Wireless Facilities in the ROW; Maximum Height; Other Requirements.

(A) Technical Requirements. Small wireless facilities and utility poles installed to support small wireless facilities in the ROW shall comply

with the following requirements:

1. Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:
  - (a) The installation of a small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.
  - (b) If collocation on an existing utility pole cannot be achieved under section 4(i) of the Act, a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.
2. **Maximum Size.** The small wireless facility must conform to the size and height limitations as defined for a small wireless facility.
3. **Utility Poles.** Utility pole installations, modifications, and replacements relating to small wireless facility collocations shall be fabricated from material having a degree of strength capable of supporting the small wireless facility, and shall be capable of withstanding wind forces and ice loads in accordance with applicable standards. A modification, installation, or replacement shall be securely bound in accordance with applicable engineering standards.
4. **Color.** To the extent technically feasible, small wireless facilities shall be of a color that is consistent with or most blends into the structure on which they are installed, unless a different color, approved by the Township, is needed for public safety or service reliability reasons.
5. **Wiring and Cabling.** Wires and cables connecting the antenna and appurtenances serving the small wireless facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the small wireless facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.
6. **Guy Wires Restricted.** Guy wires and similar support

structures may not be used as part of the installation of any small wireless facility, unless the small wireless facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small wireless application.

7. Grounding. The small wireless facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code adopted by the Township regarding grounding of wireless facilities.
8. Signage. Other than the minimal size of warning or notification signs as required by federal law or regulations, or small identification and location markings, a small wireless facility shall not have signs installed thereon.
9. Access. Wireless providers and their employees, agents, and contractors shall have the right of access to utility poles, wireless support structures, and small wireless facilities in the ROW at all times for purposes consistent with this Section.

(B) Other Requirements. A wireless provider that seeks to collocate small wireless facilities or install or modify a utility pole supporting small wireless facilities shall be subject to the following requirements:

1. Small wireless facilities shall be located such that they do not interfere with a public health or safety facility, such as, but not limited to, a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New utility poles and small wireless facilities shall not be installed directly over any water, sewer, or reuse main or service line.
2. No Small Wireless Facility shall interfere with public safety communications or the reception of broadband, television, radio, or other communications services enjoyed by the occupants of properties adjacent to, proximate to, or nearby the Small Wireless Facility.
3. To the extent technically feasible, new utility poles installed to support small wireless facilities shall be made of the same or similar material as existing poles in the immediate area.
4. Any tree-disturbing activity necessary for the installation or collocation of small wireless facilities and utility poles installed to support them shall comply with any applicable

Shade Tree Commission and Township Code and permitting requirements related to tree trimming and/or removal.

5. Small wireless facilities and utility poles or wireless support structures on which they are collocated shall not be lighted or marked by artificial means, except when small wireless facilities are collocated on a light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.
6. A wireless provider shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to the Township's streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines directly resulting from any activities performed in connection with the installation and/or maintenance of a wireless facility in the ROW. The wireless provider shall restore such areas, structures, and systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.
7. Small wireless facilities shall blend in with the surrounding environment or be otherwise concealed to the extent practicable.
8. Wireless support structures installed or replaced in order to accommodate attached small wireless facilities shall be a minimum of two (2) feet from any sidewalk, path or trail and shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines.
9. Antenna placement shall not materially impair light, air, or views from adjacent windows.
10. Pole-mounted accessory equipment shall be mounted to provide a minimum of eight (8) feet vertical clearance from ground level.
11. All accessory equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions technically feasible.
12. No accessory equipment shall feature any visible lighting,

including flashing indicator lights, unless required by state or federal law.

13. No small wireless facility shall utilize, or rely upon, a solar generated power system affixed to the small wireless facility, accessory equipment, or support structure. All power needs must be delivered from an external generation source.
14. To the extent technically feasible, no new wireless support structure shall be installed:
  - (i) In the Front Façade Area of any residential structure;
  - (ii) Within ten (10) feet of the edge of any driveway;
  - (iii) In the public rights-of-way directly opposite any driveway.

(C) **Underground Provision.**

Small wireless facilities shall not be located in a Right-Of-Way in which all utility installations are presently underground.

(D) **Indemnification.**

Except for a wireless provider with an existing agreement to occupy and operate in a right-of-way, a wireless provider shall fully indemnify and hold the municipality and its officers, employees and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses or fees or any other damages caused by the act, error or omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way. A wireless provider shall not be required to indemnify for an act of negligence or willful misconduct by the municipality, its elected and appointed officials, employees and agents.

6. Removal, Relocation, or Modification of Small Wireless Facility in the ROW.

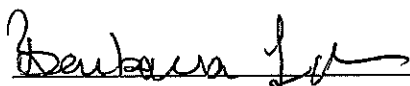
- (A) **Notice.** Within ninety (90) days following written notice from the Township, wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change, or alter the position of any small wireless facilities or utility pole for which it has a permit hereunder whenever the Township has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Township improvement in or upon, or the operations of the Township in or upon, the ROW. In such cases the

Township shall work with the provider to allow for continuity of service and use of an alternative location as needed.

- (B) **Emergency Removal or Relocation of Facilities.** The Township retains the right to cut or move any small wireless facilities or utility poles located within the ROW, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Township shall notify the wireless provider and provide it an opportunity to move its small wireless facilities or utility poles prior to cutting or removing them, and in all circumstances shall promptly notify the wireless provider after cutting or removing a small wireless facility or utility pole.
  
- (C) **Abandonment of Facilities.** The Township may require a wireless provider to remove an abandoned small wireless facility or utility pole permitted hereunder within 180 days of abandonment. Should the wireless provider fail to timely remove the abandoned small wireless facility or utility pole, the Township, upon providing 30 days' prior written notice to provider, may remove the small wireless facility or utility pole to be removed and may recover the actual cost of such removal from the wireless provider. A small wireless facility or utility pole shall be deemed abandoned at the earlier of the date that the wireless provider indicates in any way that it is abandoning the small wireless facility or utility pole, or the date that is 180 days after the date that the small wireless facility or utility pole ceases to be used, unless the wireless provider gives the Township reasonable evidence that it is diligently working to place the small wireless facility or utility pole back in service.

ORDANIED AND ENACTED this 15<sup>th</sup> day of June, 2022, by the Salford Township Board of Supervisors.

SALFORD TOWNSHIP  
BOARD OF SUPERVISORS



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BARBARA LYNCH, Chairman



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KAREN LANDIS, Secretary