



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR FEBRUARY 11, 2014**

The regular meeting of the Warrington Township Board of Supervisors was held on February 11, 2014, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Gerald B. Anderson, Chairperson; John R. Paul, Vice Chairperson; Marianne Achenbach, Secretary/Treasurer; Matthew W. Hallowell, Sr., and Shirley A. Yannich, members. Staff present was Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Thomas A. Gockowski, Township Engineer; Barry Lubner, Chief Financial Officer and Barbara Livrone, Executive Assistant to the Township Manager.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT

Mr. Casey stated there was no executive session on which to report.

APPROVAL OF BILL LIST:

1. January 28, 2014 – February 11, 2014 \$ 1,099,908.87

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from January 28, 2014 through February 11, 2014 totaling \$1,099,908.87. By roll call vote, the motion passed unanimously 5-0. Mrs. Yannich recused herself from one item, which was a travel reimbursement request for a meeting in Harrisburg.

APPROVAL OF MINUTES:

2. January 14, 2014

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the January 14, 2014 Meeting Minutes. The motion passed unanimously 5-0.

MINUTES FOR POSTING:

3. January 28, 2014

Mr. Paul motioned, seconded by Mr. Hallowell, to post the January 28, 2014 Meeting Minutes. The motion passed unanimously 5-0. Ms. Achenbach noted that she had some minor corrections that she will forward. The motion passed unanimously 5-0.

The following individuals offered comment:

- Dr. Constance Ace (1067 Folly Road) questioned the accuracy of the Historic Commission's membership roster. She asked that it be reviewed and updated to reflect all appointments through December 2014.

Comments on Recent Ice Storm and Power Outages

- Mr. Aaron Moore (2300 Pileggi Road, Apartment A) voiced some safety concerns regarding snow plowing activity at Willow Knoll near Oxford Drive. He said the snow piles are too high and pose a safety hazard for children at play. Supervisor Paul said this area is handled by one of the Township's subcontractors. He agreed to speak with the Public Works Director.
- Wayne Bullock (1525 Turk Road) extended his thanks and gratitude to the Public Works Department for the great job that it's been doing in light of the recent snow and ice storms. He said Warrington's roads are far better than the State roads.
- Leo Flynn (212 Red Maple Court) voiced concerns over the unmaintained trees across from the Public Works Building.
- Marianne Katz (964 Scarlet Oak Drive) voiced concerns over the prolonged loss of power in her development. She asked why there were so many trucks parked at Lowes from Alabama and Georgia, allegedly doing nothing. She understood that this is a PECO issue.
- Elaine Dunn (204 Red Maple Court) voiced concerns over the prolonged loss of power in her development. She was seeking some reasonable explanation on why it took so long for the power to be restored.
- Carl Blankemeyer (958 Scarlet Oak Drive) alleged that his development seems to be part of a pattern of secondary treatment, where residents there are treated as poor step children to other nearby developments such as Warrington Oaks. He said also that the lack of accurate information was also not helpful and could have gone a long way to allay some of these concerns.
- Laura Smouse (118 Green Ash Lane) commented on the need for proper tree maintenance and who will bear this responsibility in the future. Mr. Anderson responded that this is PECO's responsibility, but he does not agree with the manner in which they maintain the trees within their right-of-ways.

Chairman Anderson, after receiving all the public comment related to the recent ice storm, made the following remarks to add some clarity to the responsibility between the Township and PECO in responding to the ice storm:

- It is illegal for the Township public work crews to remove any tree debris until PECO has deenergized the downed wires. Only PECO has the authority to reenergize lines once repairs have been made.
- PECO ran out of replacement utility poles, which prolonged restoration efforts.
- PECO is responsible, not the Township, for maintaining trees within its right-of-way areas. Nevertheless, the Township did contract the removal and topping off of the culpable Pickertown trees.

- PECO will be scheduling a post-storm assessment of the emergency response. The Township Buildings should have been on PECO's Priority 1 response areas, which they were not. The company needs to amend its emergency response policy by assigning municipal buildings as Priority 1 response areas.

PUBLIC HEARING:**4. Public Hearing on a conditional use application filed by KTMT Warrington Springs, L.P. to create transferrable development rights on TMP #50-010-110 and 50-010-111.**

Township Solicitor Casey confirmed that the hearing was advertised on January 31, 2014. Before these proceedings commenced, he advised Attorney Robert Gundlach, representing Warrington Springs, that the Supervisors have no legal authority to create TDRs from across the street. He emphasized there are still currently 144 TDRs registered with the Township that could be procured and used for the Warrington Springs development.

There being no further deliberation, Mr. Gundlach conferred with his client and agreed to withdraw this conditional use application. Mr. Gundlach agreed to send a letter to the Township confirming this withdrawal. By roll call vote the Board voted unanimously 5-0 to accept the withdrawal and close the hearing.

5. Public Hearing on a conditional use application field by KTMT Warrington Springs, L.P. for the use of transferrable development rights to create a 49-lot single family detached subdivision on TMP 50-020-006, located in the R-2 Zoning District.

Township Solicitor Casey confirmed that the hearing was advertised on January 31, 2014. Mr. Anderson then reviewed the procedural rules to be followed in the public hearing. He asked if anyone in the public wished to be designated a party-of-record. Mr. Herbert Rubenstein (907 Farnham Court) asked for and received this designation.

Representing the applicant, Robert Gundlach introduced three (3) expert witnesses to provide sworn testimony in support of this CU application:

1. Mr. L. Scott Mill, RLA of Doylestown-PA based Van Cleef Engineering Associates was sworn in as a land planning expert.
2. John R. Wichner, P.E., PTOE of McMahon Transportation Engineers and Planners, was sworn in as a traffic planning expert.
3. Mr. Joseph Morrissey of NV Homes was sworn in an NV Homes marketing professional.

Mr. Gundlach posed a series of questions to all of the above witnesses and submitted pre-marked exhibits to be including with the published transcript. Mr. Rubenstein asked several questions as the party-of-record. Supervisors Anderson and Yannich also asked several follow-up questions throughout the hearing, all of which are reflected in the official transcript.

There being no further comments, Mr. Anderson closed the hearing and asked for a roll call vote. All five (5) Supervisors voted in the affirmative. The conditional use was approved, subject to the 30 day appeal period.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):**6. Consider adoption of amendment to the Subdivision and Land Development Ordinance for the Planning Department.**

Township Solicitor Casey confirmed that the Ordinance was advertised on January 31, 2014. Mr. Anderson summarized the amendment's purpose and asked if there were any Board comments. Mrs. Yannich expressed some concerns over the current draft, referencing the County's review letter. She believes also that the department's and commissions respective roles are not well-defined and the planning processes unclear. Mr. Anderson responded that the roles and processes are clearly explained and that the department's purpose is not to circumvent the planning process but to enhance it.

There being no other Board comments, Mr. Paul motioned, seconded by Mrs. Achenbach, to adopt an amendment to the Subdivision and Land Development Ordinance for the Planning Department. The motion passed 4-1, Mrs. Yannich voting in the negative. (*See Attachment 1*).

7. Consider adoption of amendment to the Zoning Ordinance for the Planning Department.

Township Solicitor Casey confirmed that the Ordinance was advertised on January 31, 2014. Mr. Anderson summarized the amendment's purpose and asked if there were any Board comments. Mrs. Yannich expressed some concerns over the fact that the Township Manager is a voting member which she believes is a conflict. Secondly, she had some questions on how the amendment addresses traffic safety issues. Mr. Anderson explained that the Township Manager automatically receives all review comments as a pro forma procedure which does not constitute a conflict. He suggested that the traffic issue does warrant further review and the amendment should not be rushed until the traffic question is adequately addressed.

Therefore, Mr. Paul motioned, seconded by Mr. Hallowell, to table this amendment until the March 11, 2014 Meeting. The motion passed unanimously 5-0. (*See Attachment 2*).

8. Consider adoption of amendment to Sections 2324 and 2325 of tower-based and non-tower wireless telecommunications facilities as part of the Zoning Ordinance.

Township Solicitor Casey confirmed that this Zoning Ordinance Amendment was advertised on January 28 and February 4. Mr. Anderson explained that this amendment was crafted by special counsel Dan Cohen of the Cohen Law Group (CLG). CLG was retained by participating members of the Bucks County Consortium of Communities to help members improve and update their wireless ordinances, in response to what Northampton Township experienced from distributed antennae systems. Mr. Casey did review CLG's final draft and made appropriate recommendations unique to Warrington's situation.

There being no comments from either the Board or the public, Mr. Paul motioned, seconded by Mrs. Achenbach, to adopt an amendment to Sections 2324 and 2325 of tower-based and non-tower wireless telecommunication facilities as part of Chapter 27 (Zoning) of the Township Code of Ordinances. The motion passed unanimously 5-0. (*See Attachment 3*).

NEW BUSINESS (ACTION/DISCUSSION ITEMS):**9. Consider adoption of an Ordinance to vacate streets for Warrington Springs.**

Township Solicitor Casey confirmed that this Ordinance was properly advertised on February 4, 2014. Before voting on this Ordinance, Mr. Anderson asked if there were any comments from the public. Mr. Frank Vesce (2566 Street Road) addressed the Board and identified himself as an adjacent property owner to the Warrington Springs development. He had several questions over his rights related to the proposed vacation as well as his short notice to tonight's discussion. Mr. Anderson stated it was not the Board's intent to deny Mr. Vesce his due process rights and motioned that this matter be tabled until such time that Mr. Gundlach, representing Warrington Springs, and he could sit down to discuss the matter further so that he can make an informed decision. Mr. Paul seconded the motion. The motion passed unanimously.

10. Consider adoption of an amendment to Chapter 1 (Administration and Government) adding a third citizen member to the Police Pension Board.

Mr. Paul motioned, seconded by Mrs. Achenbach, to adopt an amendment to Chapter 1 (Administration and Government) adding a third citizen member to the Police Pension Board. The motion passed unanimously 5-0. (*See Attachment 4*).

11. MANAGER'S REPORT:**a. SAFER Grant Resolution**

The Board unanimously approved a Resolution officially accepting a \$487,200 SAFER (Safety for Adequate Fire and Emergency Response) Grant, which will provide full salary and benefits for the full-time equivalent of four (4) career firefighters/EMTs. Two will be full-time; the remainder, part-time employees. (*See Attachment 5*).

12. CHAIRMAN'S REPORT:**a. Storm Recap**

Mr. Anderson referred to his earlier storm comments under public comments. He stated the Finance Office will be submitting a financial report soon outlining the fiscal impact of the 2014 winter season to date. Contrary to reports in other communities, he affirmed that Public Works does have sufficient supply of salt.

b. BCATO Meeting

Mr. Anderson reminded members of the upcoming BCATO Meeting to be held on Saturday, February 22, 2014 from 8-1 at Spring Hill Manor.

c. Cancellation of 2/25/2014 Meeting

Mr. Anderson reminded members that because of scheduling conflicts, the February 25, 2014 Board of Supervisors meeting is cancelled.

d. 850 Easton Road

The new owner of 850 Easton Road (aka Randall Scott Property) appeared before the Planning Department with some conceptual ideas on improving access to the property and a possible second egress connection for the Township Building. He said the new owner will likely be looking for incentives and that the Solicitor will be meeting with him soon to iron out the details and legal issues involved.

e. Stone Manor

The owners of Stone Manor have requested an amendment to the Stone Manor Stipulation Agreement to provide high-end apartments. This will be on the March 11, 2014 Supervisors meeting for review. He stated this will be a good addition for the existing restaurant and bank. He commented that over the years, the development of Stone Manor has surpassed his early expectations for this site.

13. ENGINEER'S REPORT:**a. WD2 Update**

Mr. Gockowski informed the Board that he has had the opportunity to review the revised PennDOT plan for the County Line Road WD2 Project and confirmed that the "Welcome to Warrington" sign will be removed as part of the redesign. He said CVS officials knew of this redesign shortly after the HOP permit was issued. The clock will be preserved. Mr. Anderson expressed his extreme displeasure over this change and the fact that other parties knew of the design change well in advance. He asked that a meeting be set up with the appropriate PennDOT officials to discuss these new plans as soon as possible, preferably at the next meeting.

14. SOLICITOR'S REPORT:**a. Malcolm's**

Mr. Casey reported that the pleadings are now closed and that the plaintiffs have 15 days to ask for discovery, else the case will be scheduled for trial.

b. Possible TDR Ordinance Amendment

Mr. Casey explained that due to a legal technicality, the Board needs to authorize the readvertisement of the proposed amendment to the TDR Ordinance. The purpose of this amendment will be to retire the TDR program and freeze all current TDRs at 144. Mr. Paul motioned, seconded by Mrs. Yannich, to approve authorizing the readvertisement.

c. Lamplighter Dedication

Mr. Casey reported that Mr. Tieperman and he had a conference call earlier today confirming that Wells Fargo officials are in the process of signing the lien releases to satisfy the requirement of title insurance company so that the Township can take dedication of Lamplighter Villas Water and Sewer System.

d. **Phillips Avenue**

Mr. Casey has prepared a comprehensive deed for all parties of interest to sign. This Deed of Dedication should be ready for approval at the next Board meeting.

15. **ESCROW AND MAINTENANCE BOND RELEASES:**

a. **Valley Gate – Site Development Escrow Release #3: \$172,981.70**

Mr. Anderson moved to approve Site Development Escrow Release #3 for Valley Gate in the amount of \$172,981.70 as reviewed by the Township Engineer. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

b. **Tran Nail Salon – Escrow Release #3: \$2,200.00.**

Mr. Anderson moved to approve Escrow Release #3 for Tran Nail Salon in the amount of \$2,200.00 as reviewed by the Township Engineer. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

5. **EXTENSION REQUESTS**

There were no extension requests.

6. **DEDICATION REQUESTS**

There were no dedication requests.

SUPERVISORS COMMENTS

Supervisor Paul discussed an upcoming fundraiser being sponsored by the Warrington Rotary to help the son of the late Timothy J. Bennett of the Warrington Township Police Department. He yielded the floor briefly to fellow Rotarian Joseph Bonargo who explained the details of the raffling of a 2014 Ford Focus. The goal is to sell 750 tickets at \$50 each, of which \$20,000 will go toward an education fund for Bennett's son who is currently 9 years old. The formal kickoff will be at the March 11, 2014 BOS Meeting.

Prior to adjournment, Mr. Anderson invited Harry McCann of the Emergency Services Board to present the proposed recruitment plan for the hiring of full-time and part-time career firefighters in light of the recent SAFER Grant Award. The Supervisors concurred on the procedures as recommended. (*See Attachment 6*).

ADJOURNMENT

There being no further business Mr. Paul motioned, seconded by Mrs. Achenbach, to adjourn the meeting at 10:05 p.m. The motion passed unanimously.

Respectfully Submitted By:



Timothy J. Tieperman, Township Manager



ORDINANCE NO. 2014 - 0-01

AN ORDINANCE AMENDING THE WARRINGTON TOWNSHIP CODE OF ORDINANCES

SUBDIVISION and LAND DEVELOPMENT ORDINANCE (SALDO)

TO INCLUDE

PLANNING DEPARTMENT PROVISIONS

WHEREAS, the Board of Supervisors of Warrington has adopted an Ordinance establishing a Planning Department; and

WHEREAS, the establishment of the Planning Department necessitates amendments to the Subdivision and Land Development Ordinance (SALDO)

NOW THEREFORE, be it ENACTED and ORDAINED and IT IS HEREBY ENACTED and ORDAINED, that the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, hereby amends the Warrington Township Code of Ordinances as follows:

- 1) Section 101 – Replace “Township Planning Commission” with “Township Planning Department, Township Planning Commission.”
- 2) Section 201 – Add the following §201.1.K: The words “Department,” the words “Planning Department,” and the words “Township Planning Department” always mean the Warrington Township Planning Department.
- 3) Section 202 – Add the following definition: **PLANNING DEPARTMENT** – A planning agency consisting of the following members: Chairperson of the Board of Supervisors, a second member of the Board of Supervisors, Chairperson of the Warrington Township Planning Commission, Warrington Township Manager, and the Warrington Township Zoning Officer. Upon reviewing subdivision and land development applications, the Planning Department has the authority to make recommendations directly to the Board of Supervisors or to refer the subdivision or land development application to the Warrington Township Planning Commission for their review and recommendation to the Board of Supervisors.
- 4) Section 303.4 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 5) Delete Section 303.9.
- 6) Section 306.16 - Change “Planning Commission” to read “Planning Department or Planning Commission.”

- 7) Section 310.2 - Change "Planning Commission" to read "Planning Department or Planning Commission."
- 8) Section 311.1 – Change "at the discretion of the Township Planning Commission and the Board of Supervisors" to read "at the discretion of the Board of Supervisors."
- 9) Section 311.3 – Change "in the opinion of the Township Planning Commission and Board of Supervisors" to read "in the opinion of the Board of Supervisors."
- 10) Section 317.4 - Change "the Township Planning Commission and the Board of Supervisors" to read "the Board of Supervisors."
- 11) Section 318.2.F – Change "the Township Planning Commission or Board of Supervisors may require" to read "the Township Planning Department or the Planning Commission may recommend and the Board of Supervisors may require."
- 12) Section 322.4 - Change "Planning Commission" to read "Planning Department or Planning Commission."
- 13) Section 325.5.F(4) – Change "permitted by the Township Planning Commission" to read "recommended by the Township Planning Department or Planning Commission and permitted by the Board of Supervisors."
- 14) Section 328.1.B – Change "determination by the Planning Commission and Board of Supervisors" to read "recommendation by the Planning Department or Planning Commission and determination by the Board of Supervisors."
- 15) Section 330.3 – Change "Planning Commission" to read "Planning Department or Planning Commission."
- 16) Section 420.3 – Delete the entire section and replace with "The Township Planning Department or Planning Commission shall review plans of proposed street tree plantings or buffer zone plantings and make recommendations to the Board of Supervisors for consideration of approval or disapproval."
- 17) Section 501.1 – Change "Planning Commission" to read "Planning Department or Planning Commission."
- 18) Section 501.3 – Change "Planning Commission" to read "Planning Department or Planning Commission."
- 19) Section 501.4 – Change "Planning Commission" to "Planning Department."
- 20) Section 502.4.E – Delete the entire section and replace with "The Township Manager shall submit one copy of the plan and application to the Board of Supervisors, one copy to the Bucks County Planning Commission, three copies to the Township Engineer, one copy to the Township Planning Department, and one copy to the Township Planning Commission for information."
- 21) Section 502.4.F(1) – Change "Township Planning Commission" to read "Township Planning Department or Planning Commission."

- 22) Section 503.1 – Change “Township and County Planning Commissions” to read “Township Planning Department or Planning Commission and Bucks County Planning Commission.”
- 23) Section 503.2.A – Change “ both planning commissions” to read “Township and County planning agencies.”
- 24) Section 505.4.A – Revise entire section to read “Applicant initially submits ten (10) copies of the preliminary plan and application to the Township Manager. Applicant must also submit two (2) compact discs containing all plans, documents, and correspondence in digital format. Applicant must submit additional copies of plans upon request by Warrington Township.”
- 25) Section 504.4.D – Delete entire section and change to read as follows: Township Manager shall immediately distribute copies of the preliminary plan and application with request for review and comment to:
 - (1) Township Files (for public viewing), 1 copy
 - (2) Township Planning Department, 1 copy.
 - (3) Township Board of Supervisors, 1 copy.
 - (4) Bucks County Planning Commission, 1 copy.
 - (5) Township Engineer, 3 copies.
 - (6) Water and Sewer Department, 1 copy.
 - (7) Township Lighting Consultant, 1 copy.
 - (8) Township Fire Marshal, 1 copy.
 - (9) Pennsylvania Department of Transportation, 1 copy (if needed).
 - (10) Bucks County Conservation District, 1 copy (with Erosion and Sediment Control or NPDES applications).
 - (11) Township Parks and Recreation Board, 1 copy (if needed).
 - (12) Township Historical Commission, 1 copy (if needed).
 - (13) Township Planning Commission, 1 copy per member (if needed).
 - (14) Bucks County Department of Health, 1 copy (if wells or septic systems are proposed).
- 26) Delete Section 504.4.E.
- 27) Section 504.4.F – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”

- 28) Section 505.G – Delete in its entirety and replace with the following: At a regular or special Township Planning Department meeting following receipt of reports from agencies listed above, the Planning Department shall:
- (1) Review the applicant’s submission.
 - (2) Review all reports received.
 - (3) Discuss submission with the applicant.
 - (4) Evaluate the plan, reports, and discussion.
 - (5) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 - (6) Either refer the application to the Township Planning Commission for further review and recommendations to the Board of Supervisors or make recommendations directly to the Board of Supervisors for approval, conditional approval, or disapproval of the preliminary plan.
 - (7) Submit its report to the Board of Supervisors. When the application is not approved in terms as filed, the decision shall specify the defects found in the application, describe the requirements which have not been met, and in each case, site the specific provision of the applicable ordinance which have not been satisfied.
- 29) Section 504.4.H(1) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 30) Section 505.5.D(17) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 31) Section 505.5.D(18) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 32) Section 5.5.5.E – Change “Planning Commission” to “Township Engineer.”
- 33) Section 505.4.B – Revise entire section to read “Applicant initially submits ten (10) copies of the final plan and application plus three (3) copies of the State Planning Module to the Township Manager. Applicant must also submit two (2) compact discs containing all plans, documents, and correspondence in digital format. Applicant must submit additional copies of plans upon request by Warrington Township.”
- 34) Section 504.4.D – Delete entire section and change to read as follows: Township Manager shall immediately distribute copies of the final plan and application with request for review and comment to:
- (1) Township Files (for public viewing), 1 copy plus one copy of the State planning module
 - (2) Township Planning Department, 1 copy.
 - (3) Township Board of Supervisors, 1 copy.

- (4) Bucks County Planning Commission, 1 copy.
 - (5) Township Engineer, 3 copies plus one copy of the State planning module.
 - (6) Water and Sewer Department, 1 copy.
 - (7) Township Lighting Consultant, 1 copy.
 - (8) Township Fire Marshal, 1 copy.
 - (9) Pennsylvania Department of Transportation, 1 copy (if needed).
 - (10) Bucks County Conservation District, 1 copy (with Erosion and Sediment Control or NPDES applications).
 - (11) Township Parks and Recreation Board, 1 copy (if needed).
 - (12) Township Historical Commission, 1 copy (if needed).
 - (13) Township Planning Commission, 1 copy per member (if needed).
 - (14) Bucks County Department of Health, 1 copy plus one copy of the State planning module (if wells or septic systems are proposed).
- 35) Section 505.4.E – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”
- 36) Section 505.5.F – Delete in its entirety and replace with the following: At a regular or special Township Planning Department meeting following receipt of reports from agencies listed above, the Planning Department shall:
- (1) Review the applicant’s submission.
 - (2) Review all reports received.
 - (3) Discuss submission with the applicant.
 - (4) Evaluate the plan, reports, and discussion.
 - (5) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 - (6) Either refer the application to the Township Planning Commission for further review and recommendations to the Board of Supervisors or make recommendations directly to the Board of Supervisors for approval, conditional approval, or disapproval of the preliminary plan.
 - (7) Submit its report to the Board of Supervisors. When the application is not approved in terms as filed, the decision shall specify the defects found in the application, describe the requirements

which have not been met, and in each case, site the specific provision of the applicable ordinance which have not been satisfied.

- 37) Section 505.4.G(1) – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”
- 38) Section 505.5.D(13) – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”
- 39) Section 506.2.C(3)(d) – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”
- 40) Section 602 – Change “advise of the Township Planning Commission” to read “advice of the Township Planning Department or Planning Commission.”
- 41) Section 701.1.B – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”
- 42) Appendix D, Exhibit 6 – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”
- 43) Appendix G.4.A – Change “Township Planning Commission” to read “Township Planning Department or Planning Commission.”

ORDAINED and ENACTED this 11th day of February, 2014.

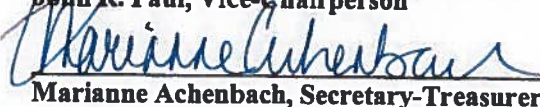
WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:


Timothy J. Tieperman
Township Manager


Gerald B. Anderson, Chairperson


John R. Paul, Vice-Chairperson


Marianne Achenbach, Secretary-Treasurer


Matthew W. Hallowell, Sr., Member


Shirley A. Yannich, Member



ORDINANCE NO. 2014 _____

AN ORDINANCE AMENDING THE WARRINGTON TOWNSHIP CODE OF ORDINANCES

ZONING ORDINANCE

TO INCLUDE

PLANNING DEPARTMENT PROVISIONS

WHEREAS, the Board of Supervisors of Warrington has adopted an Ordinance establishing a Planning Department; and

WHEREAS, the establishment of the Planning Department necessitates amendments to the Zoning Ordinance.

NOW THEREFORE, be it ENACTED and ORDAINED and IT IS HEREBY ENACTED and ORDAINED, that the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, hereby amends the Warrington Township Code of Ordinances, Zoning Ordinance as follows:

- 1) Section 202 – Revise the definition of **CONDITIONAL USE** as follows: Change “Planning Commission” to read “Planning Department or Planning Commission.
- 2) Section 202 – Add the following definition: **PLANNING DEPARTMENT** – A planning agency consisting of the following members: Chairperson of the Board of Supervisors, a second member of the Board of Supervisors, Chairperson of the Warrington Township Planning Commission, Warrington Township Manager, and the Warrington Township Zoning Officer.
- 3) Section 411 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 4) Section 411.B(1)(b)[1] – Change both instances of “Planning Commission” to read “Planning Department or Planning Commission.”
- 5) Section 411.B(1)(b)[2] – Change “as a subcommittee of both the Planning Department and the Planning Commission.”
- 6) Section 411.B(1)(b)[3] – Change both instances of “Planning Commission” to read “Planning Department or Planning Commission.”
- 7) Section 411.B(1)(e) – Change “Planning Commission” to read “Planning Department or Planning Commission.”

- 8) Section 411.B(2)(a) – Change the last sentence in the section to read: “The TDR Review Board shall act as an advisory subcommittee of both the Planning Department and the Planning Commission and shall abide by the same administrative rules and procedures as those in effect for the Planning Commission.”
- 9) Section 411.B(2)(c) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 10) Section 506.3(B)(2) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 11) Section 612.5.B – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 12) Section 805.3.A(2) – Delete the entire section and replace with the following: After review and recommendation by the Township Planning Department or Planning Commission, the Board of Supervisors shall consider the proposed development for approval, conditional approval, or denial.
- 13) Section 855.2.B – Delete the entire section and replace it with the following: After review and recommendation by the Township Planning Department or Planning Commission, the Board of Supervisors shall consider the design of the proposed development for approval, conditional approval, or denial.
- 14) Section 905.4.C(4)(b) – Change “following receipt of the Planning Commission recommendation” to read “following the receipt of the recommendation of the Planning Department or the Planning Commission.”
- 15) Section 909.1 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 16) Section 906-A.1 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 17) Section 906-B.1 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 18) Section 907-C.1 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 19) Section 1009.1 – Change “Planning Commission” to “Manager”.
- 20) Section 1209.1 – Change “Planning Commission” to “Manager”.
- 21) Section 1210.1 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 22) Section 1309.1 – Change “Planning Commission” to “Manager”.

- 23) Section 1310.1 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 24) Section 1409 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 25) Section 1605.4.F – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 26) Section 1605.4.F(5) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 27) Section 2315.A(2) – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 28) Section 2322.1 – Change “Commission” to “Department”.
- 29) Section 2406.9 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 30) Section 2407 – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 31) Section 2407.A – Change each incident of “Planning Commission” to read “Planning Department or Planning Commission.”
- 32) Section 2407.B – Change “Planning Commission” to read “Planning Department or Planning Commission.”
- 33) Section 2407.E – Change all instances of “Planning Commission” to read “Planning Department”.
- 34) Section 2407.F – Change “Planning Commission” to “Planning Department”.
- 35) Section 2503.3 – Delete this section and replace it with the following text: The Warrington Planning Department or Planning Commission, at its discretion, may require any subdivision, land development, zoning change, special exception, or conditional use application to be accompanied by a traffic impact study provided that the Warrington Township Manager notifies the applicant immediately after the first meeting of the Planning Department or Planning Commission to consider the proposal. Such notification shall specify the reason for the requirement, citing the proposal’s particular location or existing problems or type of use (e.g. generation of heavy truck traffic).
- 36) Section 2504, definition of MAJOR INTERSECTION – Change “Planning Commission” to read “Engineer”.
- 37) Section 2504, definition of STUDY AREA – Change “Planning Commission” to read “Engineer”.
- 38) Section 2505.D.1 – Change “Township Manager (Planning Commission) or his/her designee” to read “Township Engineer”.

- 39) Section 2506.1.A – Change “Township and the Bucks County Planning Commission” to read “Township Planning Department and the Bucks County Planning Commission”.
- 40) Section 2506.1.B – Change “Warrington Township Planning Commission” to read “Warrington Township Planning Department or Planning Commission”.
- 41) Section 2506.2 – Change “Warrington Township Planning Commission” to read “Warrington Township Planning Department or Planning Commission”.
- 42) Section 2507.1 – Change “Township and the Bucks County Planning Commission” to read “Township Planning Department and the Bucks County Planning Commission”.
- 43) Section 2507.2 – Change “Warrington Township Planning Commission” to read “Warrington Township Planning Department or Planning Commission”.

ORDAINED and ENACTED this day of February, 2014.

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Timothy J. Tieperman
Township Manager

Gerald B. Anderson, Chairperson

John R. Paul, Vice-Chairperson

Marianne Achenbach, Secretary-Treasurer

Matthew W. Hallowell, Sr., Member

Shirley A. Yannich, Member



ORDINANCE NO. 2014 - 0-02

AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON, BUCKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF WARRINGTON TOWNSHIP, AS CODIFIED AS CHAPTER 27 OF THE WARRINGTON TOWNSHIP CODE, AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF § 27-2324 (REGULATIONS GOVERNING COMMUNICATIONS ANTENNAS AND COMMUNICATIONS EQUIPMENT BUILDINGS AS CONDITIONAL USES) AND § 27-2325 (STANDARDS FOR COMMUNICATIONS TOWERS AS CONDITIONAL USES) OF THE ZONING ORDINANCE; PROVIDING FOR PURPOSES AND FINDINGS OF FACT RELATED TO THE ADOPTION OF THE AMENDMENT; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS COMMUNICATION FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby ORDAINED by the Board of Supervisors of the Township of Warrington, Bucks County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION I. Short Title.

This Ordinance shall be known as the "Warrington Township Wireless Communications Facilities Ordinance."

SECTION II. Purposes and Findings of Fact.

A. The purpose of this Ordinance is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Warrington Township. While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

B. By enacting this Ordinance, the Township intends to:

a. Promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities;

b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;

c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;

d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other wireless communications facilities;

e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;

f. Protect Township residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

g. Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

SECTION III. Definitions.

Chapter 27, Section 202, *Definitions of Terms*, of the Warrington Township Zoning Ordinance is hereby amended as follows:

A. Delete the definitions of *Communications Antenna*, *Communications Equipment Building*, *Communications Tower*, and *Height of a Communications Tower* from §27- 202 of the Township Zoning Ordinance.

1. *Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips , or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below.

2. *Co-location*—the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF or utility or light pole.

3. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

4. *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.

5. *Equipment Building*—An unmanned building or cabinet containing communications equipment required for the operation of a Tower-Based Wireless Communications Facility or a Non-Tower Wireless Communications Facility

6. *FCC*—Federal Communications Commission.

7. *Monopole*—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

8. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

9. *Persons*—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 Township or to any department or agency of the Township.

10. *Stealth Technology*—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

11. *Substantially Change*—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

12. *Tower-Based Wireless Communications Facility (Tower-Based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCFs.

13. *Township*—Warrington Township, Bucks County, PA

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

15. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

16. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property.

17. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Township.

SECTION IV. Repealer

The following terms, conditions and provisions of Chapter 27, § 2324 (Regulations Governing communications Antennas and Communications Equipment Buildings as Conditional Uses) and Chapter 27, § 2325 (Standards for Communications Towers as Conditional Uses) of the Warrington Township Zoning Code, are hereby REPEALED and REPLACED by provisions set forth under Sections V through XII of this Ordinance.

SECTION V. General Requirements for All Tower-Based Wireless Communications Facilities.

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

1. **Standard of Care.** Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

2. **Wind.** Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended). Such structures must be designed to withstand wind gusts of at least 100 miles per hour.

3. **Height.** Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WCF shall not exceed one hundred fifty (150) feet, which height shall include all subsequent additions or alterations.

4. **Public Safety Communications.** No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

5. **Maintenance.** The following maintenance requirements shall apply:

a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

6. **Radio Frequency Emissions.** No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

7. **Historic Buildings or Districts.** No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.

8. **Signs.** All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.

9. Lighting. Tower-Based WCF shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

10. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

11. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

12. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

13. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

14. Non-Conforming Uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.

15. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.

b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

c. Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.

16. **Permit Fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs.

17. **FCC License.** Each Person that owns or operates a Tower-Based WCF shall, submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

18. **Insurance.** Each Person that owns or operates a Tower-Based WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.

19. **Indemnification.** Each Person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

20. **Engineer Signature.** All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

SECTION VI. Tower-Based Facilities Outside the Rights-of-Way

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:

1. **Development Regulations:**

a. **Prohibited in Residential Zones.** No Tower-Based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary.

b. **Gap in Coverage.** An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs. c. **Sole Use on a Lot.** A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.

i. **Setback.** The Tower-Based WCF shall be setback from any residential property line by at least five hundred (500) feet, and from any other property line by at least fifty (50) feet.

d. **Combined with Another Use.** A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:

i. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.

ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.

iii. Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary, or within fifty (50) feet from any other property line.

2. Notice. Upon receipt of an application for a Tower-Based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 1,000 linear feet of the site of the proposed facility and of every property zoned residential not on the same street within 500 feet of the proposed facility.

3. Co-Location. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

4. Design Regulations:

a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.

b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.

c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.

5. Surrounding Environs:

a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

b. The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANS/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

6. Fence/Screen:

a. A security fence having a maximum height of eight (8) feet shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.

b. An evergreen screen that consists of a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted ten (10) feet on center maximum shall be located along the perimeter of the security fence. Existing vegetation shall be preserved to the maximum extent possible.

7. Accessory Equipment:

a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described above.

b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

8. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.

9. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with dust-free, all weather purpose.

10. Parking. For each Tower-Based WCF, there shall be at least one off-street parking space.

11. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.

12. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.

13. Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

SECTION VII. Tower-Based Facilities in the Rights-of-Way

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:

1. Prohibited in Residential Zones. No Tower-Based WCF shall be located within a residential zone or within five hundred (500) feet of a lot in residential use or a residential district boundary.

2. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs in the ROW.

3. Notice. Upon receipt of an application for a Tower-Based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 1,000 linear feet of the site of the proposed facility and of every property zoned residential not on the same street within 500 feet of the proposed facility.

4. Co-location. An application for a new Tower-Based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

5. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

6. Equipment Location. Tower-Based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb;

b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

e. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

7. Design Regulations.

a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.

b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than seventy-five (75) feet. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.

c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.

8. Visual or Land Use Impact. The Township reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.

9. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.

10. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

a. The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;

b. The operations of the Township or other governmental entity in the Right-of-Way;

c. Vacation of a street or road or the release of a utility easement; or

d. An Emergency as determined by the Township.

11. Compensation for ROW Use. In addition to permit fees as described in Section V.16 above, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for Tower-Based WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such Tower-Based WCF.

12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure

the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

SECTION VIII. General Requirements for All Non-Tower Wireless Communications Facilities

A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

2. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

3. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).

4. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

5. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

6. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.

7. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.

b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

8. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

9. **Permit Fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.

B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. **Permitted in All Zones Subject to Regulations.** Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township. Non-Tower WCFs shall not be located on any dwelling unit.

2. **Standard of Care.** Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

3. **Compliance with Township Building Code.** Any applicant proposing Non-Tower WCFs to be mounted on a building or other structure shall submit evidence from a professional engineer, licensed in the Commonwealth of Pennsylvania, that the proposed installation will not exceed the structural capacity of the building or other structure. The applicant must further provide a detailed construction and elevation drawings indicating how the Non-Tower WCFs will be mounted on the structure for review by the Township Engineer for compliance with the Warrington Township Building Code and other applicable laws and regulations.

4. **Wind.** Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended). Such structures shall be able to withstand wind gusts of up to one hundred (100) miles per hour.

5. **Public Safety Communications.** No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

6. **Historic Buildings.** No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.

7. **Aviation Safety.** Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

8. Maintenance. The following maintenance requirements shall apply:

a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

9. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.

10. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.

b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

12. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

13. Bond. Prior to the issuance of a permit, the owner of a Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$25,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

14. **Permit Fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.

15. **Insurance.** Each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.

16. **Indemnification.** Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

17. **Engineer Signature.** All plans and drawings for a Non-Tower WCF shall contain a seal and signature of a professional structure engineer, licensed in the Commonwealth of Pennsylvania.

SECTION IX. Non-Tower Wireless Facilities Outside the Rights-of-Way

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. **Development Regulations.** Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCFs subject to the following conditions:

a. Non-Tower WCFs shall not be located on any dwelling unit.

b. Such WCF does not exceed a maximum height of one hundred fifty (150) feet.

c. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

d. An eight (8) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

2. **Design Regulations.**

a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.

b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a variance.

c. All Non-Tower WCF applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

e. Non-Commercial Usage Exemption. Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the Design Regulations enumerated in Section IX.2 of this Ordinance.

3. Removal, Replacement, Modification.

a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.

b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

4. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.

5. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the 20 Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

SECTION X. Non-Tower Wireless Facilities in the Rights-of-Way

A. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.

2. Design Requirements:

a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. **Compensation for ROW Use.** In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Non-Tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such Non-Tower WCF.

4. **Time, Place and Manner.** The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

5. **Equipment Location.** Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;

b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

e. Any underground vaults related to Non-Tower WCFs shall be reviewed and approved by the Township.

6. **Relocation or Removal of Facilities.** Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

a. The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;

b. The operations of the Township or other governmental entity in the Right-of-Way;

c. Vacation of a street or road or the release of a utility easement; or

d. An Emergency as determined by the Township.

7. Visual or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

SECTION VI. Violations applicable to all Wireless Facilities

1. Penalties. Any person violating any provision of this Ordinance shall be subject, upon finding a magisterial district judge, to a penalty not exceeding five hundred dollars for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.
2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

SECTION XII. Miscellaneous

1. Police Powers. The Township, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

3. Effective Date. This Ordinance shall become effective thirty (30) days after enactment by the Board of Supervisors of Warrington Township.

ORDAINED and ENACTED this 11th day of February, 2014.

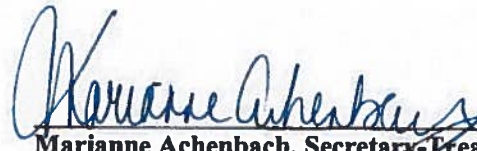
WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:


Timothy J. Tieperman
Township Manager


Gerald B. Anderson, Chairperson


John R. Paul, Vice-Chairperson



Marianne Achenbach, Secretary-Treasurer



Matthew W. Hallowell, Sr., Member



Shirley A. Yannich, Member



ORDINANCE NO. 2014-0-03

AN ORDINANCE OF WARRINGTON TOWNSHIP

POLICE PENSION PLAN

WHEREAS, the Board of Supervisors of Warrington and the Warrington Township Police Benevolent Association have agreed to amend the police pension ordinance, as follows:

Amend Article 19, Section 703(B)(6) to read:

- 6. Three members from the community selected by the Board of Supervisors.

All other provisions of the collective bargaining agreement shall remain in full force and effect.

NOW THEREFORE, be it ENACTED and ORDAINED and IT IS HEREBY ENACTED and ORDAINED, by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, amended the Police Pension Ordinance.

ORDAINED and ENACTED this 11th day of February, 2014.

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:


 Timothy J. Tieperman
 Township Manager


 Gerald B. Anderson, Chairperson


 John R. Paul, Vice-Chairperson


 Marianne Achenbach, Secretary-Treasurer


 Matthew W. Hallowell, Sr., Member


 Shirley A. Yannich, Member

Attachment # 5



RESOLUTION NO. 2014-R- 11

FY 2014 SAFER GRANT

WHEREAS, the Department of Homeland Security (DHS) offers a number of grant opportunities including, but not limited to, Assistance to Firefighters Grants (AFG), Fire Prevention and Safety for Adequate Fire and Emergency Response (SAFER); and

WHEREAS, in the summer of 2013 the Board of Supervisors authorized Township Staff to submit an application for a SAFER grant under this program to fund the hiring of two (2) full-time and twelve (12) part-time firefighters; and

WHEREAS, after careful consideration, FEMA determined that the grant application was consistent with the grant program's purpose and worthy of a grant in the amount of \$487,200, which will cover 100% of the salary and benefits for these new firefighters for a two (2) year period; and


WHEREAS, the Township's match is to retain these positions for a third year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Warrington Township that it hereby authorizes the Township to accept the FY 2014 SAFER Grant in the amount of \$487,200.

RESOLVED, this 11th day of February, 2014.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:


Timothy J. Tieperman
Township Manager


Gerald B. Anderson, Chairperson


John R. Paul, Vice Chairman


Marianne Achenbach, Secretary-Treasurer


Matthew W. Hallowell, Sr., Member


Shirley A. Yannich, Member

Warrington Township

Firefighter/EMT Hiring process

Step 1

- Publicize the Posting
 - Posting going to every fire company/department in the area
 - Bucks
 - Montgomery
 - Chester
 - Delaware
 - Website's
 - Warringtontownship.org
 - Phillyfirenews.com
 - Bucks County Fire Chief's Assoc.

Step 2

- All resume's must be received by the Bucks County Public Safety Training Center 15 Days from posting
 - A date will be advertised once the final process is approved
- Only the first 100 applications will be accepted
- Bucks County Public Safety Training Center will accept the resume packets
 - In addition they will number the packet prior to opening

Step 3

- The Public Safety Training Center will administer the written test
 - The test will be comprised of 125 questions broken down in to many disciplines
 - Those disciplines are
 - Firefighter 1
 - Firefighter 2
 - Hazmat Awareness
 - Hazmat Operations
 - Rescue Core Competencies
 - Driver/Operator – Pumper
 - Vehicle & Machinery Technical Rescuer
 - Emergency Medical Technician

Step 4

- Bucks County Community College will score the test within 48 hours of the test.
- The test scores will become exclusive property of Warrington Township

Step 5

- Test scores and resume packets will be given to Warrington Township
- Warrington Twp. Emergency Services Committee will then review the test scores with the Resume packets and establish an interview list
- The top 20% will be interviewed

Step 6

- The top 10% will then receive a second interview

Step 7

- A recommendation from the Emergency Services Committee will be forwarded to the Board of Supervisors for final approval

Questions???



Bucks County Community College
Department of Public Safety Training and Certification

Website: <http://www.bucks.edu/publicsafety>

Doylestown Training Facility & Offices

1760 South Easton Road
Doylestown, Pennsylvania 18901
Ph: 215.340.8417 Fax: 215.343.6794

Newtown Business Office

275 Swamp Road
Newtown, Pennsylvania 18940
Ph: 215-968-8190 Fax: 215-497-8721

Bristol Training Facility & Offices

2912 River Road
Croydon, Pennsylvania 19021
Ph: 267-685-4888 Fax: 215-788-4906

January 24 2014

Emergency Services Committee
Warrington Township
852 Easton Road
Warrington, PA 18976

Re: Fire Fighter Examination

Dear Emergency Services Committee:

Thank you for the opportunity to provide written fire fighter testing services for your municipality. The Bucks County Community College will provide you with the following:

- 125 questions written test for Fire Fighter 1 NFPA 1001-2008, Fire Fighter 2 NFPA 1001-2008, Hazardous Materials Awareness, Operational Core, PPE, and Product Control NFPA 472-2008, Driver Operator – Pumper NFPA 1002-2009, Vehicle and Machinery Technical Rescuer Level 1 NFPA 1006-2008, and Emergency Medical Technician Basic. The test is written exclusively for Warrington Township and has not been previously administered to any fire fighter groups.
- Testing conducted in accordance with the procedures of the National Board on Fire Service Professional Qualifications, which the Bucks County Community College is accredited through.
- Test security procedures will include limited access to the test questions and actual written tests. All aspects of test question selection and placement shall be conducted by the Certification Management Team from the Department of Public Safety Training & Certification for the Bucks County Community College.
- Scoring shall be conducted by the Bucks County Community College within 48 hours of test administration. The process of scoring the examination shall be through use of an OpScan 6 optical scanner and the LXR 6.1 test scoring system. The scores shall become the exclusive property of the Warrington Township.
- In the event an error occurs during scoring or the optical scanner cannot detect the candidate supplied answers, the test shall be hand graded and a discrepancy report shall be submitted with the test scores.

If you have any questions or need additional information, please contact me at 215-340-8401. To ensure integrity of the testing process, I will handle the assignment personally.

Sincerely,

Earl R. Freese III, MS
Executive Director – Public Safety Training and Certification

Warrington



Township

852 EASTON ROAD, WARRINGTON, PA 18976
215-343-9350 ■ FAX 215-343-5944
www.warringtontownship.org

BOARD OF SUPERVISORS
GERALD B. ANDERSON, Chairperson
JOHN R. PAUL, Vice Chairperson
MARIANNE ACHENBACH, Secretary-Treasurer
MATTHEW W. HALLOWELL, SR., Member
SHIRLEY A. YANNICH, Member

TOWNSHIP MANAGER
TIMOTHY J. TIEPERMAN

Firefighter/EMT Job Posting

Warrington Township is now accepting applications for the positions of full-time and part-time Firefighter/EMT. Currently there are two full-time position's available. Hired Firefighter/EMT's will participate in emergent Fire/Rescue/EMS activities. Warrington Township Emergency Services is also responsible for providing many non-emergent services. The non-emergent duties include but are not limited to: Emergency planning, Community Education, Fire/building inspections, Pre-incident planning, training, as well as station and apparatus maintenance.

Required

Must be able to pass a pre-employment physical, drug screening, and Psychological Evaluation
High School diploma or GED Equivalency
Candidates must be at least 21 years of age
Must possess and maintain a valid driver's license
Must be certified at the level of firefighter II (IFSAC or Pro-board)
Must be certified as a vehicle rescue technician (Pa Dept. of Health or NFPA 1006)
Must be certified Emergency Medical Technician (Pa Dept. of Health or National Registry)
Must have 5 years' experience driving/operating fire apparatus (Pumper and/or, Aerial Apparatus)
- Must attach a letter from a department chief confirming 5 years Driver/Operator experience
Must be certified to the Level of Hazmat Operations
NIMS 100,200,700,800

Preferred

Fire Inspector I
Fire Inspector II
Fire Officer I
Plans Examiner
NFPA 1006 Core Competencies
Driver Operator Pumper Certification (IFSAC or Pro-board)

Interested parties should apply via resume. The employment checklist should be filled out and any certificates both required and preferred must be included. All resume packets should be delivered to the **Bucks County Public Safety Training Center**, attention "Warrington Township Firefighter Exam." Please note that only the first 100 applications will be accepted. All resume's must be submitted by _____ No phone call or correspondence will be accepted about this process!

Warrington Township is an equal opportunity employer.

Bucks County Public Safety Training Center
1760 S Easton Rd,
Doylestown, PA 18901