

**TOWNSHIP OF RUSH**  
**Schuylkill County, Pennsylvania**

ORDINANCE NO. 146

AN ORDINANCE AMENDING THE RUSH TOWNSHIP ZONING ORDINANCE OF 1995 TO REGULATE THE PLACEMENT OF COMMUNICATION TOWERS AND ANTENNAE.

WHEREAS, technical developments in the telecommunications field have provided new options for the expansion and delivery of communications services to and within Rush Township, Schuylkill County, Pennsylvania, and its residents; and

WHEREAS, the Board of Supervisors of Rush Township, Schuylkill County, Pennsylvania, desires to encourage efficient and adequate wireless communications services within Rush Township, while at the same time protecting the public health, safety, and welfare; and

WHEREAS, in an effort to facilitate efficient and adequate communications services and protecting the interest of its residents, the Board of Supervisors of Rush Township desires to regulate the construction and the placement of communication towers and antennae; and

WHEREAS, federal and state statutes and regulations impose certain limitations on the Township's ability to regulate the placement and construction of communication towers and antennae; and

WHEREAS, it is necessary to amend the Rush Township Zoning Ordinance of 1995 to make it consistent with the interests of Rush Township and its residents and the limitations imposed by federal and state statutes and regulations.

NOW, THEREFORE, the Board of Supervisors of Rush Township, Schuylkill County, Pennsylvania, ordains that the Rush Township Zoning Ordinance of 1995 shall be amended as follows:

**Section 1.** Section 201, Definitions, is hereby amended to add the following new definitions, the same to be inserted in alphabetical order:

**Communications Antennae:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile, radio service, or any other wireless communications signals, including without limitation, omnidirectional or whip antennas and

directional or panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation, ham or citizen band radio antennas.

**Communications Equipment Building:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250') square feet.

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

**Height of the Communications Tower:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**Section 2.** In Section 201, the definition of "Essential Services" is added:

**Essential Services:** The construction, erection, alteration, or maintenance by public utilities, public authorized cable television companies, or municipal or other governmental agencies of underground or overhead gas, solid waste, electrical, telephone, sewage, or water distribution systems collection, communication, supply or disposal systems and their essential buildings. Essential services shall exclude communications towers and communications antennas as defined herein.

**Section 3.** In Section 406.3, the following new use by special exception is hereby added:

Communications towers and communications equipment buildings subject to the standards for communications towers as special exceptions as set forth in Section 406.7.

**Section 4.** Section 406 of the Rush Township Zoning Ordinance of 1995 shall be amended to add the following new section:

Section 406.7. Standards for Communications Towers as Special Exceptions.

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations.

Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure, or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

(a) The proposed antennas and related equipment would exceed the structural capacity of the existing Structure, and its reinforcement cannot be accomplished at a reasonable cost.

(b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure, and the interference cannot be prevented at a reasonable cost.

(c) Such existing Structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owners of such Structures.

Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. 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 a dust-free, all weather surface for its entire length.

A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.

The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.