

**TOWNSHIP OF PERKIOMEN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 241

AN ORDINANCE OF THE TOWNSHIP OF PERKIOMEN, MONTGOMERY COUNTY, PENNSYLVANIA; PROVIDING FOR A NEW CHAPTER ____ (SMALL WIRELESS FACILITIES) OF THE CODE OF ORDINANCES OF PERKIOMEN TOWNSHIP; PROVIDING THE LEGISLATIVE INTENT RELATED TO THE ADOPTION OF THE NEW CHAPTER; PROVIDING DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PERMITTING, PLACEMENT, CONSTRUCTION, AND MAINTENANCE OF SMALL WIRELESS FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND, PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, it is hereby **ORDAINED** by the Board of Supervisors of the Township of Perkiomen, Montgomery County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** as follows:

ARTICLE I

SECTION ____ -100. Short Title.

This Ordinance shall be known as the “Perkiomen Township Small Wireless Facilities Ordinance of 2022.”

SECTION ____ -101. Legislative Authority.

A. The General Assembly of the Commonwealth of Pennsylvania enacted the Small Wireless Facilities Deployment Act, the Act of June 30, 2021, P. L. 232, No. 50, with an effective date of August 29, 2021 (hereinafter the “SWF Deployment Act” or “Act 50”).

B. Act 50 governs the deployment of Small Wireless Facilities within the public right of way, authorizes municipalities to adopt ordinances that comply with Act 50, and, where necessary, requires municipalities to amend existing ordinances to comply with Act 50.

C. The Township of Perkiomen (the “Township”) has determined that the best interests of the health, safety, and welfare of the residents of the Township warrant the enactment of an Ordinance to regulate the deployment of Small Wireless Facilities within public rights of way within the Township pursuant to Act 50.

SECTION ____ -102. Legislative Intent.

A. The purpose of this Ordinance is to establish, reasonable, non-discriminatory, and uniform standards for the siting, design, permitting, maintenance, and use of Small

Wireless Facilities in Perkiomen Township. While the Township recognizes the importance of Small Wireless Facilities in providing high quality communication service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities (including adverse visual effects) through the standards set forth in the following provisions.

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

- (1) Promote health, safety and welfare of Township residents and businesses with respect to Small Wireless Facilities;
- (2) Provide for the managed development of Small Wireless Facilities in a reasonable and non-discriminatory manner that enhances the benefits of wireless communication and accommodates the needs of Township residents and wireless carriers in accordance with federal and state laws and local ordinances and regulations;
- (3) Establish procedures for the design, siting, permitting, construction, installation, maintenance, and removal of Small Wireless Facilities in the Township within the public right-of-way;
- (4) Encourage the co-location of Small Wireless Facilities on existing structures rather than the construction of a new Wireless Support Structure;
- (5) Protect Township residents and businesses from potential adverse impacts of Small Wireless Facilities, to the extent permitted under law, and to attempt to preserve the visual character of established communities and the natural beauty of the landscape; and
- (6) Update the Township's ordinances by incorporating recent changes in federal and state laws and regulations.

SECTION _____-103. Applicability and Interpretation

Any Small Wireless Facility installed, modified, or replaced after the effective date of this Chapter shall conform to the regulations set forth within this Chapter. To the extent that any provision of this Ordinance conflicts with any term, provision or requirement of Article XXV (Wireless Communication Facilities), Chapter 310 of the Perkiomen Township Zoning Ordinance, the provisions of this Ordinance shall control and the conflicting provision of Chapter 310, Article XXV, shall be deemed nullified, replaced, pre-empted and superseded by the provision of this Ordinance.

ARTICLE II

SECTION ____-200. Terminology.

A. Certain terms that are defined and used in this Chapter ____ are unique to Small Wireless Facilities and shall be interpreted in accordance herewith. In the event any definition herein conflicts with another term or definition found elsewhere in the Code of Ordinances of Perkiomen Township, the definition and usage set forth herein shall supersede and control with regard to the regulations set forth in this Chapter ____.

B. For the purposes of this Chapter, the terms below shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural.

SECTION ____-201. Defined Terms.

A. *Antenna* – Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

B. *Applicable Codes* – Any of the following:

(1) Uniform building, fire, electrical, plumbing, or mechanical codes copyrighted and published by the International Code Council (“ICC”) and subsequently adopted by the Township as part of the Pennsylvania Uniform Construction Code, inclusive of any local amendments adopted specifically by the Township.

(2) Zoning, land use, streets and sidewalks, rights-of-way, and permitting ordinances adopted by the Township as of the effective date of this ordinance and as may be amended from time to time by the Township.

C. *Applicant* – Includes, but is not limited to, any person, owner, and/or their agent with an interest in a Small Wireless Facility, or, anyone seeking a building permit, zoning approval, and/or permission to use the public right-of-way or other public property for any Small Wireless Facility.

D. *Application* – A request submitted by an applicant to the Township:

(1) for a permit to co-locate Small Wireless Facilities; or

(2) to approve the installation, modification, or replacement of a utility pole with Small Wireless Facilities attached.

E. *Cable Facility* – Buildings, other structures, and equipment used by the owner or operator of a cable television system to provide service. As used in this definition, the term “cable system” shall have the meaning given to it in Section 602(6) of the Cable Communications Policy Act of 1984 (P.L. 98-549, 47 U.S.C. § 522(7)).

F. *Co-location, Co-locate, Collocate, or Collocation* – To install, mount, maintain, modify, or replace Small Wireless Facilities on an existing utility pole or other Small Wireless Support Structure as defined herein.

G. *Communications Facility* – A set of equipment and network components, including wires and cables and associated facilities, used by a Communication Service Provider to provide a Communications Service.

H. *Communications Service Provider* – Any of the following:

(1) A cable operator as defined in Section 602(4) of the Cable Communications Policy Act of 1984 (P.L. 98-549, 47 U.S.C. § 522(5)).

(2) A provider of information service as defined in Section 3(20) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 153(24)).

(3) A telecommunications carrier as defined in Section 3(44) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 153(51)).

(4) A wireless provider.

I. *Decorative Pole* – A pole that is specially designed and placed for aesthetic purposes by the Township or a community, neighborhood, or homeowners’ association.

J. *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 co-located Utility Facilities in the Right-of-Way to be unusable and result in loss of the services provided.

K. *FCC* – The Federal Communications Commission.

L. *Historic District or Building* – A building that is, or a group buildings, properties, or sites that are:

(1) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register of Historic Places.

(2) Determined to be eligible for listing by the Keeper of the National Register of Historic Places who has been delegated the authority by a Federal agency to list properties and determine their eligibility for the National Register of Historic Places in accordance with Section IV.D.1.a.i-v of the Nationwide Programmatic Agreement for Review Regarding the Section 106 National Historic Preservation Act Review Process as specified under 47 C.F.R. Pt. 1, App. C (relating to Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process).

(3) Marked as a historical site by the Pennsylvania Historical and Museum Commission pursuant to 37 Pa. C.S. (relating to historical sites and museums).

(4) Within a historic district created pursuant to the act of June 13, 1961 (P.L. 282, No. 167, 53 P.S. § 8001, *et seq.*) entitled “An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivision to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alternation, restoration, demolition or razing of buildings within the historic districts.”

M. *Micro Wireless Facility* – A small wireless facility that:

- (1) does not exceed two (2) cubic feet in volume; and
- (2) has an exterior antenna no longer than eleven (11) inches.

N. *Modification or Modify* – The improvement, upgrade, or replacement of a small wireless facility or an existing utility pole that does not substantially change, as defined herein or as defined in 47 C.F.R. § 1.6100(b)(7) (relating to wireless facility modifications), the physical dimension of the small wireless facility or utility pole.

O. *Pennsylvania Municipalities Planning Code or MPC* – The act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code, as amended.

P. *Person* – Any individual, corporation, company, association, firm, partnership, limited liability company, or other entity established pursuant to statutes of the Commonwealth of Pennsylvania. The term does not include or apply to the Township.

Q. *Public Utilities Commission or PUC* – The Pennsylvania Public Utilities Commission.

R. *Replacement* – The replacement of an existing Small Wireless Facility on any existing Decorative Pole, Utility Pole, Township Pole, or similar Wireless Support Structure subject to the requirements of this Chapter ____, *et seq.* for maintenance, repair,

or technological advancement with equipment that is substantially similar in size, weight, and height as the existing Small Wireless Facility and which does not substantially change the physical dimensions of any Decorative Pole, Utility Pole, Township Pole, or similar Wireless Support Structure.

S. *Right-of-Way or ROW* – The surface of, and the space above and below, any real property in the Township in which the Township or Commonwealth of Pennsylvania (“Commonwealth”) has a regulatory interest, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area or property under the control of the Township or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township or Commonwealth. The phrase “in the Right-of-Way” means in, on, over, along, above and/or under the Right-of-Way. The term does not include a Federal interstate highway.

T. *Small Wireless Facility* – The equipment and network components, including antennas, transmitters, and receivers, used by a wireless provider that meet the following qualifications:

(1) Each antenna associated with the deployment is no more than three (3) cubic feet in volume.

(2) The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than twenty-eight (28) cubic feet. Any equipment used solely for the concealment of the Small Wireless Facility shall not be included in the calculation of equipment volume pursuant to this paragraph.

U. *Small Wireless Facilities Design Manual* – A manual prepared by the Township and its professional consultants establishing specific reasonable and non-discriminatory design criteria for Small Wireless Facilities permitted pursuant to this Chapter and as may be adopted, amended, or otherwise revised from time to time by resolution of the Board of Supervisors of the Township.

V. *Substantial Change* – A modification substantially changes the physical dimensions of Small Wireless Facility or its Wireless Support Structure if it meets any of the following criteria:

(1) For any Decorative Pole, Utility Pole, Township Pole, or similar Wireless Support Structure, an increase in its height by more than 10%, provided the height is not increased more than the maximum height provided in this Chapter. Changes in height are measured from the height originally approved at the time of the issuance of a permit pursuant to this Chapter.

(2) The addition of any appurtenance to the body of the Decorative Pole, Utility Pole, Township Pole, or similar Wireless Support Structure, that would protrude from its edge more than the 10% from the horizontal dimensions originally approved at the time of the issuance of a permit pursuant to this Chapter.

(3) The installation of additional equipment associated with the Small Wireless Facility not otherwise approved at the time of the issuance of a permit pursuant to this Chapter.

(4) Any excavation, deployment, or installation beyond the footprint of any existing Small Wireless Facility permitted pursuant to this Chapter.

(5) Any changes that would defeat the concealment elements for a Small Wireless Facility located in a Historic District or on a Historic Building.

(6) Any change that does not comply with the terms of a permit issued pursuant to this Chapter.

W. *Technically Feasible* – By virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.

X. *Township* – The Township of Perkiomen, Montgomery County, Pennsylvania inclusive of its Board of Supervisors, agents, or employees.

Y. *Township Pole* – A utility pole owned, managed, or operated by or on behalf of the Township.

Z. *Underground Districts* – Any existing or future area or development within the Township where Cable Facilities or Utility Facilities, as defined herein, have been previously or are designed to be installed underground, whether by the decision of the developer pursuant to the requirements of any Chapter of the Code of Ordinances of Perkiomen Township.

AA. *Utility Easement* – An interest in land owned by another that entitles its holder to a specific and limited use. Examples of Utility Easements on property may include, but are not limited to, the following: electric, gas, propane, sewer, water, telephone, internet, and cable or satellite television.

BB. *Utility Facility* – Buildings or other structures and equipment owned or operated by a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions), to provide service.

CC. *Utility Pole* – A pole or similar structure that is, or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage, or a similar function or for co-location. The term includes the vertical support structure for

traffic lights, but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

DD. *Wireless Broadband Collocation Act or WBCA* – the act of October 24, 2012 (P.L. 1501, No. 191, 53 P.S. § 11702.1 *et seq.*).

EE. *Wireless Facility* – As follows:

- (1) Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:
 - (a) Equipment associated with wireless services.
 - (b) Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies, or comparable equipment, regardless of technological configuration.
- (2) The term includes a Small Wireless Facility.
- (3) The term does not include any of the following:
 - (a) The structure or improvements on, under, or within which the equipment is co-located.
 - (b) The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

FF. *Wireless Infrastructure Provider* – A Person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in the Commonwealth of Pennsylvania that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but is not a wireless service provider.

GG. *Wireless Provider* – A wireless infrastructure provider or a wireless services provider.

HH. *Wireless Services* – Services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the Public using wireless facilities.

II. *Wireless Services Provider* – A Person who provides wireless services.

JJ. *Wireless Support Structure* – The term shall have the same meaning given to it in the Wireless Broadband Collocation Act (P.L. 1501, No. 191, 53 P.S. § 11702.1 *et seq.*).

ARTICLE III

SECTION ____-300. **Use of a Right-of-Way for Small Wireless Facilities and New Utility Poles with Small Wireless Facilities Attached.**

A. **Applicability.** The provisions of this section shall apply to the activities of a Wireless Provider deploying Small Wireless Facilities or new Utility Poles with Small Wireless Facilities attached thereto within the Right-of-Way in accordance with a permit issued pursuant to this Chapter.

B. **Use Permitted By Right.** Use of the Right-of-Way for Small Wireless Facilities or New Utility Poles with Small Wireless Facilities attached shall be a use permitted by right in all zoning districts of the Township, except for Underground Districts as defined and discussed herein. Use of the Right-of-Way for Small Wireless Facilities or New Utility Poles with Small Wireless Facilities attached shall not be subject to discretionary zoning review, including conditional use or special exception approval requirements.

C. **No Exclusive Use.** The Township shall not enter into an exclusive arrangement with any Person for the use of the Right-of-Way for:

- (1) Co-location; or
- (2) The installation, operation, modification, or replacement of Utility Poles with Small Wireless Facilities attached.

D. **Annual Fees.** The Township may assess annual fees for the use of the Right-of-Way in accordance with the following:

- (1) Annual fees authorized pursuant to the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.3(c)) as provided on the Township's adopted fee schedule.
- (2) A permit-specific, annual Right-of-Way fee that reasonably approximates the Township's costs to manage a Small Wireless Facility deployed within the Right-of-Way pursuant to the provisions of the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.3(c)(1)-(3)).

E. **Right of Access.**

(1) Under the provisions of this Chapter, in accordance with Applicable Codes, with the permission of the owner of the Utility Pole or Wireless Support Structure, and with the issuance of a permit from the Township pursuant to this Chapter, a Wireless Provider shall have the right to perform the following within the Right-of-Way:

- (a) Co-locate; or

(b) Replace an existing Utility Pole or install a new Utility Pole with a Small Wireless Facility attached.

(2) Any Wireless Provider issued a permit to deploy a Small Wireless Facility pursuant to this section shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the Right-of-Way or obstruct the legal use of the Right-of-Way by the Township or other Utility Facilities co-located on the Utility Pole or Wireless Support Structure.

F. Size Limits.

(1) Each new or modified Small Wireless Facility installed in the Right-of-Way shall be installed on an existing Utility Pole or new Utility Pole subject to the following:

(a) The installation of a Small Wireless Facility on an existing Utility Pole shall not extend more than five (5) feet above the existing Utility Pole.

(b) If co-location on an existing Utility Pole cannot be achieved pursuant to Section ____-301.K. of this Chapter, a Small Wireless Facility may be installed on a new or replacement Utility Pole. The maximum permitted height of the Small Wireless Facility, which shall include the Utility Pole and the Small Wireless Facility, shall not exceed fifty (50) feet above existing ground level at the time of the application for a permit.

(2) Subject to the provisions of this Chapter, a Wireless Provider may co-locate or install a new Utility Pole with a Small Wireless Facility attached that exceeds these height limits by making application to the Board of Supervisors requesting relief from this provision pursuant to the provisions of Section ____-400. Any such request for relief from the requirements of this section shall be subject to approval in accordance with the standards for modifications provided in Section ____-400.

G. Underground Districts.

(1) A Wireless Provider shall comply with Township requirements in areas designated by the Township as Underground Districts.

(2) A Wireless Provider may apply for a permit to install a Small Wireless Facility on an existing Decorative Pole or Township Pole in an Underground District subject to compliance with the permitting requirements of this Chapter.

(3) A Wireless Provider may seek a waiver for the installation of a new Utility Pole to support Small Wireless Facilities within an Underground District subject to all of the following:

- (a) The Wireless Provider submits, along with their application for a permit pursuant to this Section, an application to the Board of Supervisors in substantial conformity with the requirements of Section ____-400 seeking a waiver from the requirements of the Underground District;
- (b) The Wireless Provider provides demonstrative proof that co-location on an existing Decorative Pole or Township Pole cannot be achieved in the applicable Underground District;
- (c) The Wireless Provider provides written approval from the owner of the property within the applicable Underground District upon which the new Utility Pole will be located;
- (d) The Wireless Provider's application for a permit pursuant to this Chapter has been accepted as complete by the Township; and
- (e) The Wireless Provider makes presentation of its application, including any support information thereof, at a hearing of the Board of Supervisors pursuant to Section ____-###.

H. Historic District or Building. Except for facilities excluded from evaluation for effects on historic properties pursuant to 47 C.F.R. § 1.1307(a)(4) (relating to actions that may have a significant environmental effect, for which Environmental Assessments must be prepared), the Township may require reasonable and non-discriminatory design or concealment measures for a permit to deploy Small Wireless Facilities within a Historic District or upon Historic Buildings within the Township. Any required design or concealment measures will not prohibit or interfere with a Wireless Provider's technology and will not be considered a part of the Small Wireless Facility for the purposes of calculating any size or dimension limitations pursuant to this Chapter.

I. Design Standards. The following design standards apply to all Small Wireless Facilities deployed within the Right-of-Way:

- (1) Compliance with applicable regulations. All Small Wireless Facilities 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, the National Electrical Safety Code, and the National Electrical Code. Any antenna and accessory equipment 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 any person or any property in the Township.
- (2) Weather and the elements. All Small Wireless Facilities shall be designed to withstand the effects of wind according to the standard designed by ANSI and as prepared by the engineering departments of the Electronics Industry Association,

and Telecommunications Industry Association (ANSI/EIN/TIA-222-E Code, as amended).

(3) Small Wireless Facilities approved for deployment on existing Decorative Poles, Township Poles, or Utility Poles shall be treated to match the existing design of the Wireless Support Structure. Small Wireless Facilities shall be painted, or otherwise coated, to be visually compatible with the Wireless Support Structure upon which they are mounted.

(4) Small Wireless Facilities Design Manual. The Township and its professional consultants may prepare, amend, and revise from time to time by resolution of the Board of Supervisors, a Small Wireless Facilities Design Manual identifying specific design criteria applicable to Small Wireless Facilities permitted pursuant to this Chapter.

J. Maintenance Standards. The following maintenance standards apply to all Small Wireless Facilities deployed within the Right-of-Way:

(1) The Small Wireless Facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(2) Such maintenance shall be performed to ensure the upkeep of the Small Wireless Facility in order to promote the safety and security of the Township's residents.

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

K. Modification Standards. The following standards shall apply to the modification of all Small Wireless Facilities deployed in the Right-of-Way:

(1) In order to upgrade, expand, replace, or repair any Small Wireless Facility permitted pursuant to this Chapter, a Wireless Provider must first obtain written approval from the Township, which approval will not be unreasonably granted provided that such expansion, repair, replacement, or upgrade does not substantially change the Small Wireless Facility originally permitted by the Township.

(2) Any material modification or substantial change to a permitted Small Wireless Facility will require an application and approval of a new permit pursuant this Chapter by the Wireless Provider.

L. Public Safety Communications. No Small Wireless Facility shall interfere with public safety communications or the reception of broadband, television, radio, or other communications services enjoyed by the occupants of properties adjacent to, proximate to, or nearby the Small Wireless Facility.

M. **Aviation Safety.** All Small Wireless Facilities shall comply with all applicable federal and state laws and regulations concerning aviation safety.

N. **Radio Frequency Emissions.** No Small Wireless Facility may, by itself or in conjunction with any other Wireless Facility, 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.

O. **Removal.** In the event that the use of a Small Wireless Facility is discontinued, the Wireless Provider issued the permit for same 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 Small Wireless Facilities shall be removed as follows:

(1) Within sixty (60) days of the cessation of operations by the Wireless Provider unless an extension of time for removal is approved in writing by the Township.

(2) If not removed within sixty (60) days of the cessation of operations by the Wireless Provider, or within any extension period approved in writing by the Township, the Small Wireless Facility may be removed by the Township and the cost of removal assessed against the Wireless Provider holding the permit for the unused or abandoned Small Wireless Facility.

(3) The Wireless provider shall provide a performance bond to secure the removal of any unused or abandoned Small Wireless Facility not removed by the Wireless Provider within the time periods provided by this Section.

P. **Inspection.** The Township reserves the right to inspect any Small Wireless Facility to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or state or federal law. The Township shall have the authority to enter the property upon which a Small Wireless Facility is located at any time, upon reasonable notice to the Wireless Provider and the property owner, to ensure such compliance.

Q. **Damage and Repair.** A Wireless Provider shall repair all damage to the Right-of-Way or any other land so disturbed, directly caused by the activities of the Wireless Provider, their contractors, or agents and shall return the Right-of-Way in as good a condition as it existed prior to any work being done in the Right-of-Way by the Wireless Provider. If the Wireless Provider fails to make the repairs required by the Township within thirty (30) days after written notice, the Township may perform those repairs and charge the Wireless Provider the reasonable, documented cost of the repairs plus a penalty not to exceed Five-Hundred-Dollars (\$500.00). The Township may suspend the ability of a Wireless Provider to apply for a new permit, or receive a permit for a pending

application, from the Township until the Wireless Provider has paid the amount assessed by the Township for the repair costs and the assessed penalty. The Township may not suspend the ability of a Wireless Provider to receive a new permit, or receive a permit for a pending application, when the Wireless Provider has deposited the full amount of the assessed repair costs and assessed penalty in escrow pending an adjudication of the merits of a dispute over the repairs and penalty in a court of competent jurisdiction.

R. **Communications Services.** The approval for the installation, placement, and maintenance, or operation of a Small Wireless Facility under this section shall not authorize the provision of any Communications Services without compliance with all applicable laws or the installation, placement, maintenance, or operation of any communications facilities other than Small Wireless Facilities and their associated Utility Poles in the Right-of-Way.

SECTION ____-301. Permitting of Small Wireless Facilities and New Utility Poles with Small Wireless Facilities Attached for Deployment in the Right-of-Way.

A. **Applicability.** The provisions of this section shall apply to the permitting by the Township of Small Wireless Facilities by a Wireless Provider or the installation, modification, and replacement of Utility Poles with Small Wireless Facilities attached by a Wireless Provider within the Right-of-Way.

B. **Application Review.** An application under this section shall be reviewed by the Township's staff and its professional consultants for conformance with applicable zoning, subdivision and land development, building codes, design requirements, and any other applicable laws, codes, ordinances, or regulations governing the installation, maintenance, operation, and modification of Small Wireless Facilities.

C. **Permits.** The provisions of this section apply to all applicants seeking a permit for the deployment of Small Wireless Facilities or New Utility Poles with Small Wireless Facilities attached within the Right-of-Way.

(1) An applicant must obtain the applicable zoning, construction, demolition, grading, highway occupancy, electrical, or other necessary permits from the Township to perform the following within the Right-of-Way:

- (a) Co-locate, maintain, or modify Small Wireless Facilities;
- (b) Replace existing Utility Poles for co-location; or
- (c) Install new Utility Poles with Small Wireless Facilities attached.

(2) An applicant must demonstrate that the proposed Small Wireless Facility or New Utility Pole with Small Wireless Facilities attached is designed to comply with applicable laws, codes, ordinances, or regulations as follows:

(a) All permit applications shall provide documentation that includes the construction and engineering drawings, demonstrates compliance with applicable criteria under Section ____-301.F. of this Chapter, and all necessary consents or approvals from the owner of the Utility Pole.

(b) All permit applications shall include a certification that the filing of the applications by the Wireless Provider are required to provide additional capacity or coverage for Wireless Services.

(c) All permit applications shall include documentation showing compliance with the design guidelines under Section ____-300.I. of this Chapter.

D. Application Fees. The Township shall charge fees for the review of permit application packages on a per application basis as authorized pursuant to the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.3(c)), as provided on the Township's adopted fee schedule.

E. Application Completeness Review. Upon receipt of an application package from a Wireless Provider for deployment of Small Wireless Facilities, the Township staff and its professional consultants will complete a review of the application package to determine whether the application package is complete. Within ten (10) business days of receiving the application package from the Wireless Provider, the Township will notify the Wireless Provider in writing whether the Township has determined the application package is incomplete. Such written notice shall specifically identify the missing information. Any deadlines for processing an application package shall not commence until the Wireless Provider has provided all information necessary for the Township to determine the application package is complete.

F. Processing a Completed Application. Following a determination by the Township that a Wireless Provider's application package for deployment of Small Wireless Facilities is complete, the Township shall approve or deny the application package as follows:

(1) Within sixty (60) days from the date an application package to co-locate Small Wireless Facilities on an existing Utility Pole within the Right-of-Way was deemed complete by the Township; or

(2) Within ninety (90) days from the date an application package to replace an existing Utility Pole or install a new Utility Pole with Small Wireless Facilities attached was deemed complete by the Township.

(3) The application package processing deadlines included in paragraphs (1) and (2) above may be tolled by written agreement between the Wireless Provider and the Township.

G. **Deemed Approval.** Any application package deemed complete by the Township and neither approved nor denied within the required time period described in Section ____-301.F. above, shall be deemed approved. Any individual permit associated with a deemed approved application package shall also be deemed approved and shall be issued by the Township to the Wireless Provider within seven (7) business days following the Township's receipt of a written request to issue said permit, provided, however, that the Township's delay in approving or denying the application package is not related to an issue of public safety.

H. **Denial.**

(1) The Township may deny an application package under this Section if any of the following apply:

(a) The Small Wireless Facility materially interferes with the safe operation of traffic control equipment, clear sight lines, or clear zones for transportation or pedestrians in compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement;

(b) The Small Wireless Facility fails to comply with applicable zoning, subdivision and land development, building codes, or other applicable laws, codes, ordinances, or regulations;

(c) The Small Wireless Facility fails to comply with the requirements specified under the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*); or

(d) The Wireless Provider fails to submit a report by a qualified engineering expert which shows that the Small Wireless Facility will comply with applicable FCC regulations.

(2) Within five (5) days of the Township's denial of an application package, the Township shall provide a written denial to the Wireless Provider detailing the specific provisions of any applicable laws, codes, ordinances, rules, regulations, or other applicable standards upon which the denial of the application package was based; however, said written denial must be provided within the application package processing deadlines set forth in Section ____-301.F. above.

(3) The Wireless Provider may, within thirty (30) days of receipt of the written denial, cure the deficiencies identified by the Township by resubmitting the application package. The Wireless Provider will not be required to pay an additional application package fee when resubmitting to cure the deficiencies of the original application package.

(4) The Township shall approve or deny the resubmitted application package within thirty (30) days of the application package's resubmission; however, the Township's failure to approve or deny the resubmitted application package within said (30) days shall render the application package deemed approved and subject to the issuance of permits as set forth in Section ____-301.G. above.

(5) Any review of an application package resubmitted pursuant to (3) above shall be limited to a review of the deficiencies contained in the written denial, provided, however, that all other aspects of the resubmitted application package remain unchanged from the original application package.

(6) If an application package resubmitted pursuant to (3) above contains new information or addresses or changes other sections of the original application package that were not subject to the written denial, the Township shall have an additional fifteen (15) days to review the resubmitted application package and may charge an additional fee for said review.

I. Consolidated Application Packages and Multiple Individual Applications from a single Wireless Provider. A Wireless Provider seeking to co-locate within the Township may submit a consolidated application for co-location of multiple Small Wireless Facilities subject to the following:

(1) The consolidated application package may not seek approval for more than twenty (20) Small Wireless Facilities.

(2) The Township's denial of an individual or multiple Small Wireless Facilities in a consolidated application package shall not delay the processing of the remaining Small Wireless Facilities included in the same consolidated application package.

(3) A single Wireless Provider may not submit more than one (1) consolidated or twenty (20) individual application packages to the Township in any thirty (30) day period. Should a single Wireless Provider submit more than one (1) consolidated or twenty (20) individual application packages within any forty-five (45) day period, the processing deadlines set forth in Section ____-301.D. above shall be extended by an additional fifteen (15) days to allow the Township to complete its completeness review of the application package.

(4) The following additional provisions shall apply to consolidated or multiple applications submitted by a single Wireless Provider:

(a) A single Wireless Provider shall not circumvent the consolidated or individual application package limits by requiring a third-party installation contractor to make application on behalf of that Wireless provider and any application by such a third-party contractor shall be, for the purposes of counting the number of Small Wireless Facilities a single Wireless Provider

has before the Township, counted as an application by the Wireless Provider.

(b) Any application package tolled pursuant to paragraph (3) above or pursuant to Section ____-301.E., shall count towards the total number of applications included in a consolidated application package subsequently submitted by a Wireless Provider unless said tolled application package is withdrawn by the Wireless Provider.

(c) As the processing of non-tolled application packages is completed, the Township will process tolled application packages in the order in which the tolled application packages were submitted unless the Wireless Provider specifies in writing a different processing order preferred by the Wireless Provider.

J. Time Limitations for Completing Work. The installation or modification of a Small Wireless Facility on an existing Utility Pole, the replacement of an existing Utility Pole with a Small Wireless Facility attached, or the installation of a new Utility Pole with Small Wireless Facilities attached for which permits are granted by the Township under this Section shall be completed within one (1) year of the permit issuance date unless the Township and Wireless Provider agree in writing to extend the period.

K. Utility Poles. When making application to install a new Utility Pole under this Section, the Township may require the Wireless Provider to demonstrate that it cannot meet the service reliability and functional objections of the application by co-locating on an existing Utility Pole, Township Pole, or Decorative Pole rather than installing a new Utility Pole. The Township may require the Wireless Provider to provide written certification that the Wireless Provider has made such a determination in good faith and to provide a documented summary of the basis for that determination. The Wireless Provider's determination shall be based on whether the Wireless Provider can meet the service objectives of the application by co-locating on an existing Utility Pole, Township Pole, or Decorative Pole on which:

- (1) The Wireless Provider has the right to co-location;
- (2) The co-location is technically feasible and would not impose substantial additional cost to the Wireless Provider; and
- (3) The co-location would not obstruct or hinder travel or have a negative impact on public safety.

L. Approval. Approval of an application package authorizes the Wireless Provider to:

- (1) Co-locate on an existing Utility Pole, modify or replace an existing Utility Pole with a Small Wireless Facility attached, or install a new Utility Pole with Small Wireless Facilities attached as identified in the initial application package; and

(2) Subject to the permit requirements and the Wireless Provider's right to terminate at any time, operate and maintain the Small Wireless Facilities and any associated equipment on a Utility Pole covered by the permit for a term of not less than five (5) years, which term shall be renewed for two (2) additional five-year terms if the Wireless Provider maintains compliance with the criteria set forth in the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*), any applicable laws, codes, regulations, or Township ordinances, and the Wireless Provider continues to have the consent of the Utility Pole and property owners.

M. Removal of Small Wireless Facilities. A Wireless Provider shall remove any Small Wireless Facilities in the event of the occurrence of any of the following:

(1) Within sixty (60) days of suspension or revocation of a permit for a Small Wireless Facility due to non-compliance with the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*), any applicable laws, codes, regulations, or Township ordinances, and or the failure to maintain the consent of the Utility Pole or property owner, the Wireless Provider shall remove the Small Wireless Facility and any associated equipment, including the Utility Pole and any Wireless Support Structures should the Small Wireless Facility be the only facility on the Utility Pole, after receiving adequate notice from the Township and a reasonable opportunity to cure any non-compliance.

(2) Within ninety (90) days following the expiration of a permit term, or an extension of a permit term, as described in Section ____-301.L., the Wireless Provider shall remove the Small Wireless Facility and any associated equipment, including the Utility Pole and any Wireless Support Structures should the Small Wireless Facility be the only facility on the Utility Pole, after receiving adequate notice from the Township and a reasonable opportunity to cure any non-compliance.

(3) The Wireless Provider shall post a performance bond equal to one-hundred percent (100%) of the total cost of the decommissioning and removal of a Small Wireless Facility not removed in accordance with the requirements of this Chapter. The amount of such performance bond shall be reasonably calculated by the Township and its professionals at the time of the application to install a Small Wireless Facility or a new Utility Pole, Township Pole, or Decorative Pole with Small Wireless Facilities attached.

N. Work Not Requiring Application.

(1) An application is not required from the Township for the following work:

(a) Routine maintenance or repair work on an existing, permitted Small Wireless Facility;

(b) The replacement of an existing, permitted Small Wireless Facility with a Small Wireless Facility that is substantially similar to, the same size as, or smaller than the existing Small Wireless Facility, provided, however, that the replacement Small Wireless Facility still qualifies as a Small Wireless Facility as defined herein.

(c) The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities, as defined herein, that are strung on cables between existing Utility Poles by or for a Communications Service Provider authorized to occupy the Right-of-Way, provided that such installation, placement, maintenance, operation, or replacement complies with the National Electrical Safety Code.

(2) The Township may require permits to perform work within the Right-of-Way for the activities described under paragraph (1) above or Section ____-301.C., if that work involves excavation, closure of a sidewalk, or closure of a vehicular lane when that work occurs after the completion of the original installation of the Small Wireless Facility. Any permits required pursuant to this paragraph (2) shall be subject to the requirements of the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*), any applicable laws, codes, regulations, or Township ordinances, and the continued consent of the Utility Pole and property owners.

SECTION ____-302. Additional Requirements for Small Wireless Facilities Co-Located on Township Poles or Decorative Poles.

A. **Exclusive Use Prohibited.** The Township shall not enter into an exclusive arrangement with any person for the right to co-locate on any Township or Decorative Poles.

B. **Co-Location.** The Township will permit a Wireless Provider to co-locate a Small Wireless Facility on a Township Pole or Decorative Pole in accordance with all of the following:

(1) Approval by the Township of an application package in accordance with the permitting procedures set forth in Section ____-301 *et seq.*;

(2) The co-location will not cause structural or safety deficiencies to the Township Pole or Decorative Pole, in which case the Wireless Provider and the Township shall negotiate an agreement for any make-ready work, including modifications or replacements, necessary to accommodate the Small Wireless Facility on the Township Pole or Decorative Pole; and

(3) The co-location shall be installed and maintained so as not to obstruct or hinder travel or public safety within the Right-of-Way.

C. **Fees.** Subject to the provisions of the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*), the Township shall not charge a Wireless Provider an annual fee to co-locate Small Wireless Facilities on Township Poles or Decorative Poles.

D. **Implementation and Make-Ready Work.** Where make-ready work, including modifications or replacements, is necessary to implement co-location of a Small Wireless Facility on a Township Pole or Decorative Pole within the Right-of-Way, the Township and the Wireless Provider shall negotiate an agreement subject to the following:

- (1) The rates, fees, and terms and conditions for any make-ready work to co-locate on a Township Pole or Decorative Pole shall be non-discriminatory, competitively neutral, commercially reasonable, and in compliance with the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*).
- (2) The Township shall provide a good-faith estimate for any make-ready work necessary to enable the Township Pole or Decorative Pole to support the Small Wireless Facility, including replacement of the Township Pole or Decorative Pole if necessary, within sixty (60) days after the receipt of a complete application package from the Wireless Provider.
- (3) Make-ready work, including replacement of the Township Pole or Decorative Pole, shall be completed by the Wireless Provider within sixty (60) days of written acceptance of the good-faith estimate by the Wireless Provider.
- (4) The Township will require replacement of the Township Pole or Decorative Pole only if the Township demonstrates that the co-location of the Small Wireless Facility would make the Township Pole or Decorative Pole structurally unsound.
- (5) The Township will not require more make-ready work than is required to meet applicable codes or industry standards.
- (6) Fees for make-ready work on a Township Pole or Decorative Pole will not include costs related to damage existing prior to the date a complete application package is submitted to the Township.
- (7) Fees for make-ready work on a Township Pole or Decorative Pole, including the replacement of same, will not exceed the actual costs or amounts charged to other similarly situated Communications Service Providers for similar work and shall not include any professional fees or expenses that are charged on a contingent fee basis.

E. **Future Use.** The Township may reserve future space on an existing Township Pole or Decorative Pole for public safety or transportation uses subject to the following:

- (1) The public safety or transportation uses are part of an approved plan as adopted by the Township at the time a complete application package is submitted to the Township by the Wireless Provider.
- (2) A reservation of space by the Township will not preclude the co-location on, the replacement of an existing, or the installation of a new Utility Pole for a Small Wireless Facility.
- (3) If the replacement of a Township Pole or Decorative Pole is required to accommodate both co-location and the reserved future use, the Wireless Provider shall pay for the replacement of the Township Pole or Decorative Pole and the Township Pole or Decorative Pole shall accommodate the future use.

SECTION ____-303. General Provisions for Small Wireless Facilities Located in the Right-of-Way.

A. **Existing Agreements.** Any existing agreements between a Wireless Provider and the Township that are in effect as of the effective date of the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*) shall remain in effect, subject to any termination provisions in those agreements. When an application package is submitted after the effective date of this Chapter, a Wireless Provider may elect to have the rates, fees, and terms and conditions established under the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*) apply to the Small Wireless Facility approved pursuant to that application package.

B. **Agreements.** This Chapter shall not be interpreted to require a Wireless Provider to enter into an agreement with the Township to implement the provisions of the SWF Deployment Act (P.L. 232, No. 50, 53 P.S. § 11704.1 *et seq.*). Notwithstanding the foregoing, nothing in this Chapter shall prohibit the Township from entering into an agreement with a Wireless Provider to implement said provisions provided the agreement is nondiscriminatory and voluntarily entered.

C. **Indemnification.** Except for a Wireless Provider with an existing agreement with the Township to occupy and operate in a Right-of-Way, a Wireless Provider shall fully indemnify and hold the Township, its Board of Supervisors, elected or appointed officials, officers, employees, and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses, or fees or any other damages caused by the act, error, or omission of the Wireless Provider or its officers, agents, employees, directors, contractors, or subcontractors while installing, repairing, or maintaining Small Wireless Facilities or Utility Poles within the Right-of-Way. A Wireless Provider shall not be required to indemnify for an act of negligence or willful misconduct by the Township, its elected and appointed officials, employees, or agents.

D. **Limitation of Liability.** Notwithstanding the provisions of this Chapter, the Township shall not be liable to any Applicant as a result of accepting an Application or issuing a Permit in the event that an Applicant is prevented from placing and/or maintaining its Small Wireless Facility pursuant to this Chapter by circumstances not within the scope and authority of this Chapter or outside of the control of the Township.

E. **Insurance.** The owner or operator of a Small Wireless Facility issued a permit pursuant to the provisions of this Chapter shall annually provide the Township with a certificate of insurance, in a form satisfactory to the Township Solicitor, evidencing commercial and general liability coverage in an amount no less than \$1,000,000 per occurrence and \$3,000,000 in the aggregate and property damage coverage in an amount no less than \$1,000,000 per occurrence covering the permitted Small Wireless Facility and naming the Township as an additional insured on each insurance policy. Said certificates of insurance shall include a Notification Endorsement requiring 30-days' notice to the Township upon the cancellation, revocation, expiration, or cessation of the policy. Any permit issued for the location of a Small Wireless Facility pursuant to this Chapter shall be deemed revoked in the event said insurance policy is cancelled, revoked, expires, or ceases to exist.

ARTICLE IV

SECTION ____-400. **Relief from Height Limits or Underground District Restrictions.**

A. **Grants of Relief.** The Township Board of Supervisors may grant relief from the limitations for height pursuant to Section ____-300.F.(2) or the restrictions within Underground Districts pursuant to Section ____-300.G of this Chapter provided that such modification will not be contrary to the public interest and that the purpose and the intent of this Chapter are maintained.

B. **Applications for Relief.** All requests for relief from Sections ____-300.F.(2) or ____-300.G shall be in writing and shall accompany and be a part of the Application required pursuant to Section ____-301. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved, and the minimum modification necessary.

C. **Planning Commission Review.** The Township Board of Supervisors may, at its discretion, refer requests pursuant to this Section to the Township Planning Commission for advisory comments.

D. **Hearing Required.** Before granting a request for relief pursuant to this Section, the Board of Supervisors may hold a public hearing thereon after public notice.

SECTION ____-401. Right of Inspection.

- A. **Right of Access and Inspection.** Any duly authorized representative of the Township may access any Utility Pole, Township Pole, or Decorative Pole with Small Wireless Facilities attached within the Township to inspect the implementation, condition, or operation and maintenance of the Small Wireless Facility to ensure said Small Wireless Facility complies with the provisions of this Chapter.
- B. **Ready Access.** All Small Wireless Facility owners and operators shall provide duly authorized representatives of the Township with ready access to all parts of the Small Wireless Facility for the purposes of determining compliance with this Chapter including, but not limited to, keyed access to secured enclosures attached, adjacent, or proximate to any Utility Pole, Township Pole, or Decorative Pole with Small Wireless Facilities attached.
- C. **Contact Information Updates Required.** All Small Wireless Facility owners shall provide contact information to the Township for each owner, operator, and/or Wireless Provider associated with each Small Wireless Facility permitted pursuant to this Chapter. Said contact information shall be updated annually or when any owner, operator, or Wireless Provider contact information changes.
- D. **Failure to Comply.** Any failure to comply with the provisions of this Section is a violation of this Chapter.

SECTION ____-402. Enforcement.

- A. **Enforcement.** The requirements of this Chapter shall be enforced by the Code Enforcement Officer of the Township.
- B. **Notices of Violation.** In the event that a Person fails to comply with the requirements of this Chapter or fails to conform to the requirements of any permit issued hereunder, the Township Code Enforcement Officer, or their duly authorized designee, shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of same. Failure to comply within the time specified shall subject such Person to the penalty provisions of this Chapter as set forth below. It shall be the responsibility of the owner, operator, or Wireless Provider associated with any Small Wireless Facility found to be in violation of the provisions of this Chapter to comply with the terms and conditions of this Chapter.

SECTION ____-403. Public Nuisance.

- A. The violation of any provision of this chapter is hereby deemed a public nuisance.
- B. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all remedies available to it at law or in equity. Each day that a violation continues shall constitute a separate violation.

SECTION ____-404. Penalties.

A. **Civil Penalty.** Any Person who violates or permits a violation of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding initiated by the Township, pay a judgment of not more than Six-Hundred Dollars (\$600) plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate violation, unless the Magisterial District Judge determines that there was a good faith basis for the Person violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.

B. **No Limitation of Remedies.** In addition, the Township, through its Solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of requirements of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

SECTION ____-405. Appeals.

A. **Appeals from Requests for Relief.** Any Person aggrieved by any action of the Township Board of Supervisors regarding requests for relief made pursuant Section ____-400 may appeal to the Court of Common Pleas of Montgomery County within thirty (30) days of the Board of Supervisors' decision.

B. **Appeals from Enforcement of Violations.**

(1) Any person aggrieved by any action of the Township, or its duly authorized designee, may appeal to the Perkiomen Township Board of Supervisors within thirty (30) days of that action.

(2) Any person aggrieved by any decision of the Township Board of Supervisors regarding an appeal taken pursuant to Section ____-405.B(1), may appeal to the Court of Common Pleas of Montgomery County within thirty (30) days of the Board of Supervisors' decision.

SECTION ____-406. Severability.

If any Section or provision of this Chapter is declared by any court of competent jurisdiction to be invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of this Chapter as a whole, nor the validity or constitutionality of any other Section or provision of this Chapter, other than the ones so declared to be invalid.

SECTION ____-407. Effective Date.

This Ordinance shall become effective five (5) days after the enactment of this Ordinance by the Board of Supervisors of Perkiomen Township.

ORDAINED and **ENACTED** by the Board of Supervisors of Perkiomen Township at a public meeting held this _____ day of _____, 2022.

**PERKIOMEN TOWNSHIP
BOARD OF SUPERVISORS**

By: _____
Vivian G. Schoeller, Chairperson

Attest: _____
Cecile M. Daniel, Secretary

DRAFT