

**BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-_____

“Small Wireless Facilities”

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF SPRINGFIELD TOWNSHIP, CHAPTER 114 (“ZONING”) TO ADD NEW ARTICLE XIVB ENTITLED “SMALL WIRELESS COMMUNICATION FACILITIES” TO REGULATE SMALL WIRELESS COMMUNICATION FACILITIES WITHIN SPRINGFIELD TOWNSHIP.

The Board of Commissioners of Springfield Township does hereby **ENACT** and **ORDAIN** as follows:

SECTION I.- Amendment to Code

The Code of the Springfield Township, Chapter 114 (Zoning) is hereby amended to add new Article XIVB (Small Wireless Facilities) as follows:

ARTICLE XIVB

Small Wireless Facilities

114-14B149.1. Purpose. With respect to small wireless facilities and associated utility poles located within right-of-way, these regulations are intended to limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, and certain corridors, public ways and places; limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic; limit interference with the other facilities and operations of facilities lawfully located in rights-of-way or public property; limit environmental damage, including damage to trees; respect the character of neighborhoods and other areas in which such facilities are installed; and facilitate the rapid deployment of facilities to provide benefits of advanced wireless services to the Township and its residences.

114-B149.2. Definitions. The following words and phrases used in this Article shall have the meanings given to them below. These definitions shall only apply to this Article.

- (1) “Act” means the Small Wireless Facilities Deployment Act, the Act of June 30, 2021, P.L. 232, No. 50, 53 P.S. §11704.1 *et seq.*, and as may be amended from time to time in the future.
- (2) “ADA” means the Federal Americans with Disabilities Act, as amended, and all regulations adopted to implement such statute.

- (3) "Antenna" means telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
- (4) "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted to address threats of destruction of property or injury to persons, local zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances.
- (5) "Collocate" or "collocation" means to install, mount, maintain, modify or replace small wireless facilities on an existing utility pole or other existing wireless support structure.
- (6) "Communications facility" means a set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide a communications service.
- (7) "Communications service provider" means a cable operator, as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
- (8) "Emergency" is a condition that: (i) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (ii) has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the services provided.
- (9) "FCC" means the Federal Communications Commission of the United States.
- (10) "Municipal pole" means a utility pole owned, managed or operated by or on behalf of the Township.
- (11) "Micro wireless facility" means a small wireless facility that meets the following qualifications: (i) does not exceed two cubic feet in volume; and, (ii) has an exterior antenna no longer than 11 inches.
- (12) "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 in 47 CFR 1.6100(b) (7) (relating to wireless facility modifications), the physical dimension of the small wireless facility or utility pole.
- (13) "Permit" means a written authorization required by the Township to perform an action or initiate, continue, or complete a project.
- (14) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Township.
- (15) "Rights-of-Way" or "ROW" means the area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway, in the Township.

- (16) “Small wireless facility” means the equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:
- b. Each antenna (excluding associated antenna equipment) is cumulatively no more than three cubic feet in volume; and
 - c. The volume of all other equipment associated with the wireless communication facility is cumulatively no more than 28 cubic feet in volume. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume.
- (17) “Township” means Springfield Township, Montgomery County, Pennsylvania.
- (18) “UCC” means the Pennsylvania Uniform Construction Code, as adopted and administered by the Township.
- (19) “Utility pole” means 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 collocation. 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.
- (20) “Wireless facility” means equipment at a fixed location that enables wireless service between user equipment and a communications network, including: (i) equipment associated with wireless services; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated or the coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.
- (21) “Wireless infrastructure provider” means a person authorized by the Pennsylvania Public Utility Commission that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- (22) “Wireless provider” means a wireless infrastructure provider or a wireless services provider.
- (23) “Wireless services” means any services, whether at a fixed location or mobile, provided to the public using wireless facilities.
- (24) “Wireless services provider” means a person who provides wireless services.
- (25) “Wireless support structure” means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; existing billboard; or, other existing or proposed, permitted structure designed to support or capable of supporting wireless facilities. Such term shall not include a utility pole.

114-14B149.3. Applicability. All small wireless facilities shall be subject to the regulations set

forth in this Article and this Article shall supersede any other sections in the Zoning Ordinance that may conflict with the requirements of this Article.

114-14B149.4. Small Wireless Facilities Within the Public Rights-of-Way.

A. Permitted Use; Application; Application Fees.

(1) Permit Required. All persons or entities who desire to install a small wireless facility within a right-of-way, whether by co-location, replacement of an existing utility pole, or by the installation of a new utility pole, shall file an application in writing for a permit with the Zoning Officer.

(2) Application Requirements. All applications for permits filed pursuant to this Article shall be on a form, paper or electronic, provided by the Township. In order to be considered a complete application, such application shall include all of the following:

(a) A written application form identifying in detail the name of the wireless provider and contact information for the wireless provider and the name and contact information of the person who prepared the application and whether the wireless provider proposes erection of a new utility pole or co-location on an existing utility pole.

(b) Precise location of all portions of the proposed small wireless facility, including pole mounted and ground mounted small wireless facility components.

(c) Identity of the owner of the utility pole if the wireless provider proposes co-location on an existing utility pole or location on a proposed utility pole which is not to be owned by the wireless provider.

(d) A report by a qualified engineering expert which shows that the small wireless facility will comply with all applicable FCC regulations. The report must identify the person who prepared the report and his or her qualifications and contact information.

(e) Construction drawings demonstrating compliance with Section 3 of the Act, the UCC, this Article, and applicable codes.

(f) Plans showing the proposed small wireless facility installation sealed by a professional engineer which shall contain a certification that after installation of the facility, any sidewalk, curb, or curb cuts which may be impacted will comply with the ADA after installation of the small wireless facility. The plan shall meet all of the following requirements and include all of the following information:

[1] Existing right-of-way width, sidewalk, curbing, and cartway widths and sufficient information to demonstrate that the small wireless facility will be located completely within the existing public street right-of-way and will not interfere with the safe operation of traffic control equipment, sight lines, or clear zones for vehicles or pedestrians.

[2] Location of all storm water management facilities within the

affected public street right-of-way including swales, inlets, rain gardens, and pipes, with sufficient information to demonstrate that the small wireless facility will be located and installed in a manner that will not interfere with existing storm water management facilities.

[3] Location of all utility facilities within the public street right-of-way, including but not limited to, public water and sewer facilities, all hydrants and manholes with sufficient information to demonstrate that the small wireless facility will be located and installed in a manner that will not interfere with existing utility facilities.

(g) Where the application proposes co-location on an existing or proposed utility pole which is not (or is not to be) a municipal pole or is located within (or proposed to be located within) right-of-way that is not the Township's, written permission from the owner (or proposed owner) of the existing (or proposed) utility pole or right-of-way.

(h) Where the application proposes installation of a new utility pole, a self-certification that the wireless provider has determined in good faith that it cannot meet its service reliability and functional objectives of the wireless service provider by co-locating on an existing utility pole or municipal pole. This self-certification shall include documentation of the basis of the determination which shall identify all existing utility poles and municipal poles in the vicinity and why they are not suitable.

(i) Where a collocation, a replacement utility pole, new utility pole or excavation is proposed for any reason, the wireless provider may be required to obtain a building permit, electrical permit, right-of-way permit or other permit of general applicability in connection with such work.

(3) When Application Not Required. An application shall not be required for: (i) routine maintenance or repair work on an existing, permitted small wireless facility; (ii) the replacement of an existing, permitted small wireless facility with a small wireless facility that is substantially similar to, the same size as, or smaller than the existing small wireless facility, provided, however, that the replacement small wireless facility still qualifies as a small wireless facility as defined herein, or (iii) for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code. The Township may, nevertheless, require permits to perform work within the right-of-way for the activities described above, if that work involves excavation, closure of a sidewalk, or closure of a vehicular lane. Any permits required pursuant to this section shall be subject to the requirements of the Act, any applicable Federal or State laws, codes, regulations, or Township ordinances, and the continued consent of the utility pole and right-of-way owners.

(4) Application Fees. All applications for permits shall include the following fees:

(a) For an application seeking approval for between one and five co-located small wireless facilities: \$500.

(b) For an application seeking approval of more than five co-located small wireless facilities: \$500 plus \$100 for each co-located small wireless facility beyond five.

(c) For an application seeking approval of a single, small wireless facility that requires the installation of a new or replacement utility pole: \$1,000.

(d) The fees established by this section may be adjusted upward by resolution of the Township as authorized by section 7(c) of the Act.

(5) Consolidated Applications.

(a) An applicant may submit a consolidated application for up to twenty (20) small wireless facilities, if all the small wireless facilities in the consolidated application are substantially the same type.

(b) If the Township denies the application for one or more small wireless facilities in a consolidated application, the Township may not use the denial as a basis to delay the application process of any other small wireless facility in the same consolidated application.

(c) A single permit (subject, however, to the Application Fees set forth in subparagraph 114-14B149.4(A)3 above) may be issued for siting and collocating multiple small wireless facilities spaced to provide wireless coverage in a contiguous area.

(d) 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 herein shall be extended by an additional fifteen (15) days to allow the Township to complete its review of the application package.

(e) A single wireless provider shall not circumvent the consolidated or individual application package limits by requiring a third-party to make application on behalf of that wireless provider and any application by such a third-party 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. Consideration of Application and Issuance of Permit.

(1) Within ten (10) business days of receiving an application, the Township will determine and notify the applicant whether the application is complete. If an application is incomplete, the Township will provide written notice to the applicant and specifically identify the missing documents or information. All deadlines contained in this Article shall restart upon the submission of a complete application.

(2) An application for co-location shall be approved or denied by the Township within sixty (60) days of the receipt of a completed application.

(3) An application to replace an existing utility pole or install a new utility pole with the small wireless facility attached shall be approved or denied by the Township within ninety (90) days of the receipt of a completed application.

(4) If there are errors or deficiencies in an application, the Township will provide the applicant with written notice of the basis for the denial.

(5) The applicant may cure the deficiencies and resubmit a revised application within thirty (30) days. A revised application received after 30 days shall be deemed a new application.

(6) The Township shall determine whether all deficiencies have been addressed in the revised application. The Township will notify the applicant of approval or denial within thirty (30) days of resubmittal.

(7) Any resubmitted application that addresses or changes other sections shall afford the Township an additional fifteen (15) days to review the resubmittal and shall trigger an additional application fee to be paid by the applicant with the resubmittal.

(8) Once all requirements of the Act and this Article have been met, the Township shall issue a permit to authorize installation of the small wireless facility and an invoice for the right-of-way fee for the small wireless facility.

(9) The work involved with the proposed co-location, the modification or replacement of a utility pole or the installation of a new utility pole with small wireless facilities attached, for which a permit is granted under this Article, shall be completed within one year of the permit issuance date.

(10) Subject to the permit requirements and the wireless provider's right to terminate the service permitted under the permit at any time, the permit shall grant the wireless provider authorization to operate and maintain the small wireless facility and any associated equipment on the utility pole covered by the permit for a period of five years, which shall be renewed for two additional five-year periods if the permit holder is in compliance with the criteria set forth in this Article and the Act, and the permit holder has obtained all necessary consent from the utility pole and right-of-way owner.

C. Design Standards. Small wireless facilities and utility poles installed to support small wireless facilities in the ROW shall comply with the following requirements:

(1) The small wireless facility, all associated equipment, and existing, replacement or new utility poles shall meet the size and height limits in the Act.

(2) Utility pole installations, modifications, and replacements relating to small wireless facility collocations shall be fabricated from material having a degree of strength capable of supporting the small wireless facility and shall be capable of withstanding wind forces and ice loads in accordance with applicable codes and standards.

(3) To the extent technically feasible, small wireless facilities shall be of a color that is

consistent with or most blends into the structure on which they are installed, unless a different color, approved by the Township, is needed for public safety or service reliability reasons.

(4) Wires and cables connecting the antenna and appurtenances serving the small wireless facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the small wireless facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.

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

(6) The small wireless facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code and National Electrical Safety Code adopted by the Township regarding grounding of wireless facilities.

(7) Other than the minimum size of warning or notification signs as required by federal law or regulations, or small identification and location markings, a small wireless facility shall not have signs installed thereon.

(8) Wireless providers and their employees, agents, and contractors shall have the right of access to utility poles, and small wireless facilities in the ROW at all times for purposes consistent with this Article.

(10) Small wireless facilities 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 right-of-way or interfere with a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. This shall include, but not be limited to, any interference with compliance with the ADA. Without limitation of the foregoing, new utility poles and small wireless facilities shall not be installed directly over or otherwise interfere with any water or sewer service line, and new utility poles installed or replaced in order to accommodate attached small wireless facilities shall be located a minimum of two (2) feet from any sidewalk, path or trail and shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines.

(11) A new utility pole shall not be located within 10 feet of an existing driveway or street intersection. A new utility pole shall not be located within any storm water management facility including, but not limited to, any swale or rain garden. A new utility pole shall not be located within 18 inches of the rear face of the curb.

(12) All equipment of the small wireless facility which is mounted on a utility pole shall provide the minimum clearance of twelve (12) feet from (above) grade and otherwise comply with Chapter 92, "Street and Sidewalks", of the Township Code.

(13) To the extent technically feasible, new utility poles installed to support small wireless facilities shall be made of the same or similar material as existing poles in the immediate

area.

(14) 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.

(15) Any tree-disturbing activity necessary for the installation or collocation of small wireless facilities and utility poles installed to support them shall comply with any applicable codes, and shall be accompanied by a signed report prepared by a certified arborist and explaining how and why the proposed installation or collocation can be accomplished without significant harm to any tree being disturbed.

(16) Small wireless facilities and the utility poles on which they are collocated shall not be lighted or marked by artificial means, except when small wireless facilities are collocated on a light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.

(17) A new utility pole or ground mounted accessory equipment, walls or landscaping shall not be located in an easement extending onto the lot adjoining the right-of-way without the written permission of the easement holder.

(18) All accessory equipment shall be contained within a single equipment shroud or cabinet. No accessory equipment shall feature any visible lighting, including flashing indicator lights, unless required by state or federal law.

(19) No small wireless facility shall utilize, or rely upon, a solar generated power system affixed to the small wireless facility, accessory equipment, or support structure. All power needs must be delivered from an external generation source.

D. Maintenance, Damage, Repair and Indemnification.

(1) The wireless provider shall maintain the small wireless facility in a manner that meets or exceeds all of the design standards of this Article and all standards of the UCC. If the small wireless facility is the only facility on a utility pole, the wireless provider shall maintain the utility pole in accordance with this Article and all applicable requirements. The wireless provider shall remove any graffiti on the small wireless facility, including but not limited to ground-mounted accessory equipment, within fifteen (15) days after notice from the Township to do so.

(2) A wireless provider shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to the Township's streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines directly resulting from any activities performed in connection with the installation and/or maintenance of the facility, including the failure to properly maintain the small wireless facility, of a wireless facility in the ROW. The wireless provider shall restore such areas, structures, and systems to substantially the same condition in which they existed prior to the installation or maintenance or failure to maintain that necessitated the repairs. 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 required by the Township or the Act, plus a \$500 penalty. Any wireless provider who fails to make such required repairs shall not be eligible to receive a new permit from the Township until the wireless provider has paid the amount assessed for the repair costs and the assessed penalty or has deposited the amount assessed for the repair costs and the assessed penalty in escrow with the court adjudicating the merits of any dispute.

(3) A wireless provider shall fully indemnify and hold the Township and its officers, employees and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses or fees or any other damages caused by the act, error or omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way.

E. Small Wireless Facilities in an Underground District. In any area of the Township in which all cable facilities and utility facilities, other than municipal poles and attachments, are currently underground and/or are required to be placed underground and in which municipal poles may be replaced, any wireless provider wishing to place a small wireless facility shall also meet the requirements for such underground facilities.

F. Relocation, Removal or Abandonment of Small Wireless Facility in the ROW.

(1) Within ninety (90) days following written notice from the Township, a wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change, or alter the position of any small wireless facilities or utility pole for which it has a permit hereunder whenever the Township has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Township improvement in or upon, or the operations of the Township in or upon, the ROW. In such cases the Township shall reasonably work with the wireless provider to allow for continuity of service and use of an alternative location as needed.

(2) The Township retains the right to cut or move any small wireless facilities or utility poles located within the ROW, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety issue. If circumstances permit, the Township shall notify the wireless provider and provide it an opportunity to move its small wireless facilities or utility poles prior to cutting or removing them, and in all circumstances shall promptly notify the wireless provider after cutting or removing a small wireless facility or utility pole.

(3) Within 60 days of suspension or revocation of a permit due to noncompliance with this Article or the Act, the wireless provider shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the permit holder's wireless facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure any noncompliance.

(4) Within 90 days of the end of a permit term or an extension of the permit term, the permit holder shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the permit holder's wireless facilities and associated equipment are the only facilities on the utility pole.

(5) A wireless provider which elects to discontinue the use of a small wireless facility

shall notify the municipality in writing not less than 45 days prior to the proposed discontinuance date of use of the small wireless facility, which notice shall specify when and how the wireless provider will remove the small wireless facility and, if applicable, the utility pole. The wireless provider shall complete the removal within 45 days of the discontinuance of the use of the small wireless facility. A permit issued under this Article for a small wireless facility which is voluntarily removed shall expire upon the earlier to occur of the deadline set forth in this subparagraph or the removal of the small wireless facility.

(6) The Township may require a wireless provider to remove an abandoned small wireless facility or utility pole and any support structures if the permit holder's wireless facilities and associated equipment are the only facilities on the utility pole within 120 days of abandonment. Should the wireless provider fail to timely remove the abandoned small wireless facility or utility pole, the Township, upon providing 30 days' prior written notice to the wireless provider, may remove the small wireless facility or utility pole to be removed and may recover the actual cost of such removal from the wireless provider. A small wireless facility or utility pole shall be deemed abandoned upon the earlier of the date that the wireless provider indicates in any way that it is abandoning the small wireless facility or utility pole, or the date that is 120 days after the date that the small wireless facility or utility pole ceases to be used, unless the wireless provider gives the Township reasonable evidence that it is diligently working to place the small wireless facility or utility pole back in service. The Township reserves the right to inspect and to request information from the wireless provider, which the wireless provider shall provide following such request, as to the continued use of the wireless provider's small wireless facility within the right-of-way. The Township reserves the right (unless prohibited by law) to require a wireless provider to provide financial security to the Township sufficient to cover the costs of removal of the small wireless facility if such use is discontinued or abandoned. The wireless provider shall submit an estimate of such removal costs to the Township Engineer for review and approval of the same. Said financial security shall remain in place until the small wireless facility is removed.

G. Right-of-Way Management Fee. In accordance with Section 3(c) of the Act, the Township hereby imposes an annual fee for the use of right-of-way in the amount of \$270 per small wireless facility or \$270 per new utility pole with a small wireless facility (pro-rated from the first day the facility is constructed to the end of the year and for each year thereafter that the facility remains in the right-of-way). The owner of each small wireless facility installed within the Township shall be responsible to pay such right-of-way fee whether or not such owner receives an invoice from the Township. The fee will be due by January 31 of the calendar year for the calendar year to which the fee relates.

(1) The failure to pay the annual right-of-way fee shall be a violation of this Article and shall be subject to the penalties and remedies in this Article.

(2) If the annual right-of-way fee is not paid in full by January 31 of the calendar year, a penalty of ten (10%) percent of the annual fee shall be added. If the annual fee plus penalty is not paid in full by March 31 of the calendar year, interest at the rate of one (1%) percent per month shall continue until the annual right-of-way fee, penalty, and interest are paid in full.

(3) The annual fee may be adjusted by resolution of the Township as authorized by Section 7(c) of the Act.

(4) The owner of each small wireless facility installed within a right-of-way on the effective date of this Article shall provide the Township with a report identifying each existing small wireless facility, identifying the location of such small wireless facility, the dimensions of such small wireless facility, and the date of installation, and the date the small wireless facility becomes operational. This report shall include the name and contact information for the owner of the small wireless facilities, including the address to send invoices for the annual right-of-way fee and any notices under this Article and shall be received by the Township no more than thirty (30) days after the Effective Date of this Article or the date the small wireless facility becomes operational, whichever occurs first.

(5) The owner of each small wireless facility shall provide the Township with up-to-date contact information. If ownership of a small wireless facility changes, the new owner of the small wireless facility shall provide notice and new contact information to the Township within 30 days of the transfer of ownership.

Section 114-14B149.5. Violations and Penalties.

A. Violations. It shall be a violation of this Article to do or permit the following:

(1) To install a small wireless facility prior to obtaining the permit required by this Article.

(2) To install a small wireless facility in a manner other than that authorized by the permit.

(3) To place any false or misleading information on an application including, but not limited to, incorrectly identifying the right-of-way width, the identity of the owner of a utility pole, the precise location of the utility pole, or the size and location of any proposed or existing equipment.

(4) To fail to timely make any payment required by this Article or to make a payment by means which is later dishonored.

(5) To violate any other provision of this Article.

B. Penalties. Any Person who violates or permits the violation of any provision of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. 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 that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance 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 the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Article shall be paid over to the Township.

SECTION II.- Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Springfield Township that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III.- Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV.- Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V.- Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

[SIGNATURE PAGE TO FOLLOW]

ORDAINED AND ENACTED by the Board of Commissioners of Springfield Township,
Montgomery County, Pennsylvania, this ____ day of _____, 2025.

SPRINGFIELD TOWNSHIP

By: _____
James M. Lee, President,
Board of Commissioners

Attest: _____
A. Michael Taylor, Township Manager/ Secretary

NOTICE

NOTICE is hereby given that the Board of Commissioners of Springfield Township, at its public meeting on _____, 2025 in the Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania 19038, will hold a public hearing on and could vote to adopt an ordinance amending the Code of Springfield Township, Chapter 114 (“Zoning”) to add new Article XIVB entitled “Small Wireless Communication Facilities” to regulate small wireless communication facilities within Springfield Township.

Copies of the full text of the proposed Ordinance are available for examination during normal business hours at the offices of *Montgomery Newspapers*, 307 Derstine Avenue, Lansdale, Pennsylvania, the Montgomery County Law Library, Court House, Norristown, Pennsylvania, the office of the Township Manager, Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania, and the Free Library of Springfield Township, 8900 Hawthorne Lane, Wyndmoor, Pennsylvania. Copies of the proposed ordinances may be obtained in the office of the Township Manager for a charge not greater than the cost of copying same. A copy of the proposed Ordinance is also available on the Township’s website, www.springfieldmontco.org.

**JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Springfield Township