

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2016-07

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE STREETS AND SIDEWALKS PROVISIONS OF LOWER SAUCON TOWNSHIP, AS CODIFIED AS CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF LOWER SAUCON, AND MORE PARTICULARLY PROVIDING FOR THE ADDITION OF ARTICLE IV, §§ 140-22 THROUGH 140-30 (RIGHT-OF-WAY MANAGEMENT REGULATIONS); ADDING ADDITIONAL DEFINITIONS; REQUIRING REGISTRATION FOR USE OF THE PUBLIC RIGHTS-OF-WAY; ESTABLISHING EXEMPT AND NON-EXEMPT ENTITIES; ESTABLISHING CERTAIN REGULATIONS FOR USE OF PUBLIC RIGHTS OF WAY; PROVIDING FOR STANDARDS OF SERVICE FOR ENTITIES USING PUBLIC RIGHTS OF WAY; ESTABLISHING CERTAIN RIGHT-OF-WAY MANAGEMENT AND RENTAL FEES; ESTABLISHING SURETY PROVISIONS FOR USE OF PUBLIC RIGHTS OF WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance #98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the “Code”); and

WHEREAS, the Council of Lower Saucon Township desires to amend the streets and sidewalk provisions found in Chapter 140 of the Code to add regulations relative to the management and use of the Township’s rights-of-way and;

WHEREAS, the Council of Lower Saucon Township has determined it to be in the best interests of the health, safety, and welfare of the residents of Lower Saucon Township to so amend the Code.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Township Council of Lower Saucon Township, Northampton County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known as the “Lower Saucon Township Right-of-Way Management Ordinance.”

SECTION II.

Chapter 140 of the Code of the Township of Lower Saucon (Streets and Sidewalks), is hereby amended by adding Article IV, Sections 140-22 through 140-30 as follows:

ARTICLE IV
Right-of-Way Management

§140-22. Definitions

Terms used in this Chapter shall have the following meanings, whether or not the terms are capitalized. Unless otherwise expressly stated, terms not defined in this Chapter shall be construed consistent with Title 47 of the United States Code, and, if not defined therein, with their common and ordinary meaning.

AFFILIATE – A Person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another Person.

ANTENNA – Any device used for the transmission of radio, television, wireless telephone, pager, commercial mobile service, or any other wireless signals.

CABLE – Facilities consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide service which includes video programming and which is provided to multiple subscribers within the Township; but such term does not include (i) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (ii) a facility that serves subscribers without using any Right-of-Way; (iii) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system (other than for purposes of 47 U.S.C. § 541(c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (iv) an open video system that complies with 47 U.S.C. § 573; or (v) any facilities of any electric utility used solely for operating its electric utility system.

COMMERCIAL COMMUNICATIONS FACILITY – The antenna, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

COMMUNICATIONS ACT – The Communications Act of 1934, as amended as of the time of enactment of this Ordinance.

DAS OR DISTRIBUTED ANTENNAE SYSTEM – A network of spatially or geographically separated antenna nodes that are connected to a common source (*hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.

EQUIPMENT – Any tangible asset used to install, repair, or maintain a Facility in the Right-of-Way.

FACILITY(IES) – Conduit, pipes, cables, wires, lines, towers, optic fiber, poles, associated equipment and appurtenances, and any other facilities located in the Right-of-Way and designed, constructed, and/or used, by Telecommunications Providers, Public Utilities, or other Persons for transmitting, transporting, or distributing communications, telecommunications, electricity, natural gas or manufactured gas, oil, gasoline, steam, or any other form of energy, signal or substance. The term “Facility” or “Facilities” may include “Commercial Communications Facilities” as defined below.

GRANTEE – A person who enjoys a non-exclusive privilege to occupy or use a Public Right-of-Way to provide Non Exempt Service under this Ordinance and who is in continuous compliance with this Ordinance.

GROSS REVENUE – All gross revenue of Grantee or any Affiliate of Grantee derived from the use or occupancy of Right-of-Way for the provision of Non Exempt services to Persons having a residence or place of business in the Township. “Gross Revenue” shall include amounts earned, regardless of: (i) whether the amounts are paid in cash, in trade, or by means of some other benefit to Grantee or its Affiliates; (ii) whether the services with which the revenue is associated are provided at cost or the revenue amount can be matched against an equivalent expenditure; and/or (iii) how the amounts are initially recorded by Grantee or its Affiliates. “Gross Revenue” shall not be a net of: (a) expense, including but not limited to, any operating expense; capital expense; sales expense; or commission; (b) any accrual, including, without limitation, any accrual for commissions; or (c) any other expenditure, regardless of whether such expense, deduction, accrual, or expenditure reflects a cash payment. “Gross Revenue” shall not be double counted, viz., “Gross Revenue” which has been included as Gross Revenue of both Grantee and an Affiliate but which sum is included in Gross Revenue due solely to a transfer of funds between Grantee and the Affiliate shall not be counted for purposes of determining Gross Revenue.

NON-TOWER COMMERCIAL COMMUNICATIONS FACILITY (NON-TOWER CCF) – Any equipment that facilitates the transmission for any Commission licensed or authorized wireless commercial communications service, including but not limited to antennae, transmitters, receivers, cabling, power supplies, and accessory equipment associated with and necessary for their operation. This shall not include support structures, such as monopoles, poles, towers, etc.

PERSON – Corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, and other entities; municipal, industrial development, housing, redevelopment, and other authorities and corporations established pursuant to statutes of the Commonwealth of Pennsylvania; and individuals; provided that Person does not include or apply to the Township or to any department or agency of the Township.

RIGHT-OF-WAY, RIGHTS-OF-WAY OR ROW – The surface of and the space above and below any real property in the Township set aside for streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, 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(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.

SERVICE(S) – Any Telecommunications Service, Cable Service, Video Programming Service, Information Service, utility service (including, but not limited to, electric, gas, water, or steam service), or other form of service provided by means of Facilities located in the Right-of-Way.

STREET – A strip of land or part thereof within the Right-of-Way, whether dedicated or not, that intended or used for vehicular and pedestrian traffic. The phrase “in the (a) Street(s)” means “in, on, over, along, above and/or under the (a) Street(s).”

SYSTEM – Any Telecommunications System, or integral part thereof.

TELECOMMUNICATIONS – The transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

TOWER-BASED COMMERCIAL COMMUNICATIONS FACILITY (TOWER-BASED CCF) – Any structure that is built and used for the sole or primary purpose of supporting one or more Commission-licensed or authorized antennae, and their associated facilities. DAS hub facilities are considered to be tower-based CCFs.

TOWNSHIP CODE – The Code of the Township of Lower Saucon, Northampton County, Pennsylvania.

TOWNSHIP ENGINEER – The Person engaged by the Township to perform engineering services on behalf of the Township.

TOWNSHIP PROPERTY – All real property now or hereafter owned by the Township whether in fee ownership or other interest.

TOWNSHIP WORK – All construction work performed by the Township or any of its Departments, either with its own personnel or under contract, including repair, alteration, replacement, or maintenance of Facilities owned, operated, maintained, or controlled by the Township or for which the Township is responsible.

UNDERGROUND FACILITIES – Utility and Telecommunications Facilities located under the surface of the ground, excluding the underground foundations or supports for Tower-based Facilities.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a Tower-Based CCF or any other support structure that could support the placement or installation of a Commercial Communications Facility.

§140-23. Registration

Each Person, other than on a transitory basis, who occupies or uses or seeks to occupy or use the Right-of-Way to provide a Non Exempt service to residences or businesses within the Township, or places any Equipment or Facility in a Right-of-Way other than on a transitory basis, including Persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Township. A completed Provider Certification Form (included as Appendix A) and associated documents as outlined on the Form shall be submitted to and accepted by the Township.

Further, unless the applicant proposes a collocation meeting the criteria outlined in Zoning Ordinance, Chapter 180, Section 127.1.B.1.a, the applicant must demonstrate that all property owners located within 1,000 feet of the proposed location of a Commercial Communication Facility as defined in Section 140-22, have been notified of the proposed facility installation.

§140-24. Grant of Ordinance; Exemptions

- A. It shall be unlawful for any Person to construct, repair, remove, relocate or perform any work on or use any Facilities or any part thereof in a Right-of-Way unless in compliance with this Rights-of-Way Management Ordinance. Continuous compliance with this Right-of-Way Ordinance grants to Grantee a non-exclusive privilege to construct, repair, remove, relocate or perform any work on or use any Facilities or any part thereof in the Rights-of-Way within the Township and to occupy or use the Rights-of-Way for the purpose of providing Non Exempt service to residences or businesses within the Township.
- B. Exemptions. This Right-of-Way Management Ordinance shall not apply to the occupation or use of the Right-of-Way to provide:
 - (1) The transportation of passengers or property or both as a common carrier by means of elevated street railway, inclined plane railway, railroad, street railway or underground street railway, trackless-trolley omnibus or by any combination of such means.

- (2) The transportation of artificial or natural gas, electricity, petroleum or petroleum products or water or any combination of such substances for the public.
- (3) The production, generation, manufacture, transmission, storage, distribution or furnishing of natural or artificial gas, electricity, steam, air conditioning or refrigerating service or any combination thereof to or for the public.
- (4) The diverting, developing, pumping, impounding, distributing or furnishing of water from either surface or subsurface sources to or for the public.
- (5) The collection, treatment or disposal of sewage for the public.
- (6) The conveyance or transmission of messages or communications except as set forth in Subsection 140-24.C, by telephone or telegraph for the public.
- (7) The diverting, pumping or impounding of water for the development or furnishing of hydroelectric power to or for the public.
- (8) The transportation of oxygen or nitrogen, or both, by pipeline or conduit for the public.
- (9) Any ancillary service reasonably necessary or appropriate for the accomplishment of services specified in one (1.) through eight (8.) above.
- (10) Cable Service.
 - a. Commercial Communications Facilities Not Exempt. Wireless Telecommunication Facilities proposed within rights-of-way are not exempt and are subject to the requirements of this Ordinance. This Ordinance does not exempt any person or corporation who or which furnishes, installs or maintains wireless telecommunication facilities, including the installation of Relay Stations and Facilities, Communications Facilities, Aerials, Antennae and Aerial Masts which are regulated pursuant to Sections 180-127.1 and 180-129 of the Lower Saucon Township Zoning Ordinance.
 - b. This Ordinance does not authorize a Person to provide Cable Service. A Person seeking to provide Cable Service must obtain permission from the Township under separate legislation of the Township.
 - c. This Ordinance does not authorize the Grantee to attach to any pole or other structure in the right-of-way, devices for the intentional transmission or radiation of radio frequency emissions or energy by any means now known or hereafter developed.

§140-25. Location and Regulation of Facilities

- A. Subsequent to the enactment of this ordinance, all new facilities' services shall be installed underground with the exception of those facilities described in Subsections B. and C. of this Ordinance Section.

- B. Co-Location of Facilities. Facilities may be co-located on wireless support structures and other facilities, including poles that exist on or before the enactment date of this ordinance, including above ground facilities. All Co-located Facilities are subject to the requirements outlined in the Zoning Ordinance, Chapter 180-127.1.B.
- C. Installation of New Facilities. Tower-based facilities may be installed above ground subsequent to the enactment of this Ordinance if they are installed within the right-of-way in accordance with Zoning Ordinance, Chapter 180-127.1.A.
- D. The authorization of the installation of facilities hereunder shall not exempt an Applicant from compliance with the requirements of any other Ordinance of Lower Sacuon Township.

§140-26. Standards of service

- A. All Facilities and Equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Rights-of-Way and with the rights and reasonable convenience of property owners who own property that adjoins any of said Rights-of-Way.
- B. If during the course of Grantee's construction, operation, and/or maintenance of its Facilities and Equipment there occurs a disturbance of any Right-of-Way by the Grantee, the Grantee shall, at its expense, replace and restore such Right-of-Way to a condition which existed immediately prior to such disturbance. If Grantee excavates the surface of any Right-of-Way, Grantee shall be responsible for restoration of the Right-of-Way and its surface within the area affected by the excavation. The Township reserves the right, after providing notice to Grantee, to remove and/or repair any work done by Grantee which is inadequate. The reasonable cost thereof, including the cost of inspection and supervision, shall be paid by the Grantee. All excavations made by Grantee in the Right-of-Way shall be properly safeguarded for the prevention of accidents.
- C. The Grantee shall notify Township and all affected property owners regarding Grantee's need to trim trees or other natural growth upon and overhanging Rights-of-Way so as to prevent the branches of such trees from coming in contact with its Facilities or Equipment. Trimming shall be limited to the area required to clear its Facilities or Equipment. The Township shall be notified 48 hours in advance of any tree or shrub trimming or clearing and, at the discretion of the Township, appoint a designee to inspect and monitor trimming and clearing operations.
- D. All such work in the Rights-of-Way shall be performed in accordance with applicable safety codes and technical requirements.
- E. Prior to beginning any construction of Facilities, the Grantee shall provide the Township with a construction schedule for work in the Right-of-Way which schedule shall be updated as changed. Upon completion of initial construction and upon completion of construction of any modification to its Facilities, the Grantee shall provide the Township with a map showing the location of its installed Facilities in the Rights-of-Way. Such maps shall be provided in both paper form as well as in an electronic format for placement on the Township's GIS system. Annually thereafter, the Grantee shall provide a map to the Township showing the location of the Grantee's Facilities in the Rights-of-Way on a scale of one hundred fifty feet (150') per inch or whatever standard scale the Township adopts for general use.

- F. The Grantee may make excavations in Rights-of-Way for any Facility subject to obtaining excavation permits from the Township, in accordance with Article I of Chapter 140. Prior to doing such work, Grantee must apply for, and obtain, appropriate permits from the Township, and give appropriate notices to any other licensees and/or permittees of the Township, and/or other units of government owning or maintaining facilities which may be affected by the proposed excavation.
- G. Nothing in this Ordinance shall be construed to prevent the Township or other agency of government or municipal authority from constructing sewers, grading, paving, repairing and/or altering any street and/or laying down, repairing and/or removing water mains and/or constructing and/or establishing any other public work or improvement. If any of the Grantee's Facilities or Equipment interferes with the construction or repair of any street or public improvement, including construction, repair or removal of a sewer or water main, the Grantee's Facilities or Equipment shall be removed or replaced in the manner the respective Township or other agency of government or municipal authority shall direct. Any and all such removal or replacement shall be at the expense of the Grantee. Should Grantee fail to remove, adjust or relocate its Facilities by the date established by the Township or other agency of government or municipal authority, the Township or other agency of government or municipal authority may cause and/or effect such removal, adjustment or relocation, and the expense thereof shall be paid by Grantee, including all reasonable costs and expenses incurred by the Township or other agency of government or municipal authority due to Grantee's delay.

§140-27. Rental and Right-of-Way Management Fees

- A. Compensation for Right-of-Way Use. Every Grantee registered with the Township is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the Right-of-Way. Such compensation for Right-of-Way use shall be directly related to the Township's actual Right-of-Way management costs including, but not limited to, the costs of issuing the Permit and the administration and performance of all reviewing, inspecting, permitting, supervising and other Right-of-Way management activities by the Township; and
- B. Annual Right-of-Way Management Fee. Each Grantee that is not exempt shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with reviewing, permitting, inspecting and supervising the ongoing use and occupancy of the Right-of-Way. The Annual Right-of-Way Management fee shall be determined by the Township and authorized by resolution of Township Council and shall be based on the Township's actual Right-of-Way management costs as applied to such Grantee. This Annual Right-of-Way Management fee shall not be adjusted for at least two years from the Effective Date of this Chapter, except for purposes of inflation as determined by the National Consumer Price Index published by the United States Department of Labor. Any adjustments to the fee subsequent to two years from the Effective Date shall be authorized by resolution of Township Council, shall be based on the Township's actual Right-of-Way management costs as applied to such Grantee, and shall be implemented only after providing at least thirty (30) days prior written notice to all then-current Grantees. The costs recovered under this subsection shall not include costs recovered by any other fee provided in this Chapter or in related Chapters.

§140-28. Insurance, Indemnification and Bonds or Other Surety

- A. The Grantee shall save the Township, its agents, employees and elected and pointed

officials, harmless from and against all claims, damages, losses and expenses, including reasonable attorney’s fees, sustained on account of any suit, judgment, execution, claim or demand whatsoever arising out of the construction, leasing, operation or maintenance of the Grantee’s Equipment, Facilities, and services specified by this Ordinance, whether or not any act or omission complained of is authorized, allowed and/or prohibited by the Ordinance and the rights granted thereunder.

B. Insurance

(1) Grantee shall obtain and maintain in full force and effect throughout the term of this Ordinance insurance with an insurance company licensed to do business and doing business in the Commonwealth of Pennsylvania and acceptable to the Township. All companies will be required to be rated A-VII or better by A.M. Best or A better by Standard and Poors. Grantee shall provide Township with proof of such insurance so required.

(2) Grantee shall obtain and maintain in full force and effect, at Grantee’s sole expense, insurance coverage in the following types and minimum amounts:

<u>Type</u>	<u>Amount</u>
a. Worker’s Compensation & Statutory Employers Liability	\$100,000/\$500,000 \$100,000
b. Commercial General (public) – liability to include coverage for the following where the exposure exists:	
Premises operations	
Independent Contractors	Combined single limit for
Products/completed operations	bodily injury and property.
Contractual Liability	Damages \$2,000,000 per
Explosion, collapse and underground property damage	occurrence or its equivalent
c. Comprehensive Vehicle insurance coverage for loading and unloading hazards for:	
Owned/leased vehicles	Combined single limit of
Non-owned vehicles	bodily injury and property
Hired vehicles	damage \$1,000,000 per
	occurrence or its equivalent

(3) The Township shall receive without expense copies of certificates of insurance evidencing coverage stated above.

(4) Grantee agrees that with respect to the above-required insurance, all insurance certificates will contain the following required provisions.

a. Name the Township and its officers, employees, council members and elected and appointed officials as additional insured parties (as the interests of each insured may appear) as to all applicable coverage (except worker’s compensation);

- b. Provide for sixty (60) days written notice to the Township for cancellation, non-renewal, or material change;
- c. Provide that all provisions of this Ordinance concerning liability, duty, and standard of care, including the Indemnity provisions, shall be underwritten by contractual coverage sufficient to include such obligations within applicable policies, subject to policy terms and conditions.

- (5) Companies issuing the insurance policies shall have no recourse against the Township for payment of any premiums or assessments which all are set at the sole risk of the Grantee. Insurance policies obtained by Grantee shall provide that the issuing company waives all right of recovery by way of subrogation against the Township in connection with any damage covered by these policies.

C. Bonds.

- (1) The Grantee shall obtain and maintain, at its sole cost and expense, and file with the Township, a corporate surety bond with a surety company authorized to do business in the Commonwealth of Pennsylvania in the amount of fifteen percent (15%) of Grantee's estimated costs to secure Grantee's performance of its obligations and faithful adherence to all requirements of this Ordinance.
- (2) No action, proceeding or exercise of right with respect to such bond shall affect the Township's rights to demand full and faithful performance under this Ordinance or limit Grantee's liability for damages.
- (3) The bond shall contain the following endorsement: It is hereby understood and agreed that this bond may not be cancelled by the surety nor any intention not to renew be exercised by the surety until sixty (60) days after receipt by Lower Saucon Township, by registered mail, of written notice of such intent."

D. All expenses of the above-noted insurance and bond shall be paid by the Grantee.

E. The insurance policies mentioned herein shall contain an endorsement stating the following:

Should any policies of insurance be cancelled or coverages be reduced, before the expiration date of said policies of insurance, the issuer shall deliver sixty (60) days advance written notice to the Township.

F. Neither the provisions of this Ordinance nor any insurance accepted by the Township pursuant hereto, nor any damages recovered by the Township thereunder, shall be construed to excuse faithful performance by the Grantee and/or limit the liability of the Grantee under the Ordinance issued hereunder and/or for damages, either to the full amount of the bond or otherwise.

§140-29. Enforcement and Termination of Ordinance

A. General. In addition to all other rights, remedies and powers reserved and/or retained by the Township under this Rights-of-Way Ordinance or otherwise, the Township reserves the right to bring a civil action to collect any sums due to the Township by the Grantee

and/or forfeit or revoke all privileges of the Grantee under this Ordinance in the event of willful or repeated violation of this Ordinance.

- B. Penalties. Any Person which commits or suffers the violation of this Ordinance, shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a fine of Six Hundred Dollars (\$600) plus all court costs, including reasonable attorneys' fees incurred by the Township. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated. In addition, the Township also may enforce this Ordinance by an action brought in equity.

§140-30. Compliance with Applicable Laws and Ordinances

The Grantee shall at all times be subject to the exercise of the police power of the Township. The Grantee shall comply with all lawful ordinances, codes, laws, rules and regulations of the Township, County of Northampton, Commonwealth of Pennsylvania, and the United States of America which are now in effect or hereafter enacted.

SECTION III. CONFLICT

Whenever the requirements of this Ordinance are in conflict with other requirements of the ordinances of the Township of Lower Saucon, the most restrictive, or those imposing the highest standards shall govern. Privileges granted by this Ordinance do not constitute a waiver or impairment of the rights of the Township at law or equity now or henceforth existing to proceed versus Grantee for enforcement of the Ordinance or violation of this Ordinance or ordinances of the Township.

SECTION IV. SEVERABILITY

It is hereby declared to be the intention of the Lower Saucon Township Council that the parts, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this codification.

SECTION V. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment by the Lower Saucon Township Council.

ENACTED AND ORDAINED this 16th day of November 2016.

ATTEST:

LOWER SAUCON TOWNSHIP

Secretary

Council President

Appendix A

**Lower Saucon Township, Pennsylvania
Provider Certification Form**

Twp. File No. _____

General Information

Grantee/Owner/Applicant (Corporate Entity /Legal Name):

Person of Contact: _____ Title: _____

Address 1: _____

Address 2: _____

Phone No: _____ Email Contact: _____

Website: _____

Representative of Applicant (Subcontractor or other entity) – Information provided below will be utilized for emergency contact purposes and as the sole contact for correspondence in connection with the application for the facility under which this application is filed.

Company/Firm Name: _____

Person of Contact: _____ Title: _____

Address 1: _____

Address 2: _____

Phone No: _____ Email Contact: _____

Website: _____

Project Owner / Representative Information

- A. Attach a letter of agency appointing the Representative as the Applicant’s representative as the agent for the project owner in connection with this application.
- B. Does the project owner hold a current PA PUC permit to provide telecommunications services?
___ Yes ___ No

If yes, attach copies of the executed permit.
(Forms completed for a provider are unacceptable if **NOT** FCC licensed for particular wireless services to be transmitted.)

C. Does the project owner hold a current FCC License to provide telecommunications services? ____
Yes ____ No

If yes, attach copies of the executed FCC License.
(Forms completed for a provider are unacceptable if **NOT** FCC licensed for particular wireless services to be transmitted.)

D. Provide a copy of FAA Form 7640 or other documentation under FAA Regulations, Part 77.13 including all copies of exhibits related to FAA Form 7640.

E. Is the proposed facility to be co-located on an existing Wireless Telecommunications Facility? ____
Yes ____ No

If yes, provide copies of attachment/collocation approval from owner of Wireless Telecommunications Facility.

F. Is the proposed facility to be located on any other existing utility or structure within the right-of-way (i.e., existing telephone pole, monopole, etc.)?
____ Yes ____ No

If yes, provide copies of attachment/collocation approval from owner of utility/structure.

Project Information

Physical Address or Description of Location: _____

Adjacent Street: _____

Tax Parcel No.: _____
(If within right-of-way include adjacent Tax Parcel No.)

Project Latitude and Longitude: N _____ W _____

Specify datum used above: ____ WG84 ____ NAD23 ____ NAD83
____ Other (Specify) _____

Proposed Use of Facility for Distribution of:

____ Broadcast Radio ____ Cellular Telephone ____ Microwave
____ Enhanced Specialized Mobile Radio ____ PCS Telephone
____ Paging ____ SMR/ESMR ____ WIFI Internet
____ Other (Specify) _____

Is the proposed installation of the facility expected to cause electrical or any other signal interference?
____ Yes ____ No

If yes, specify: _____

Maximum Project Height: _____

Highest Transmission Antenna: _____

Lowest Transmission Antenna: _____

Mounting Height of Ancillary Equipment: _____

Anticipated Construction Schedule

Anticipated Work Hours: _____

Anticipated Duration of Construction: _____

Anticipated Road Closures: ____ Yes ____ No
If yes, specify street name, duration of closure, detour route, etc.: _____

Anticipated Tree Clearing: ____ Yes ____ No

Anticipated Date of Operation: _____

Note: Upon completion and upon completion of any modifications to the facility, the Township shall be provided a map showing the location of the installed facilities. The map shall be provided in paper and electronic format for placement on the Township GIS system.

Notification

All property owners of parcels located within a 1,000 foot radius of the proposed facility location must be notified, unless the proposed facility is a collocation meeting the requirements outlines in the Zoning Ordinance, Chapter 180, Section 127.1.B.1. Proof of notification and a list of affected property owners must be attached to this application or provided to the Township prior to acceptance or approval of the application.

Project Purpose

Primary Purpose (Check all that apply)

- ____ Add network capacity without adding coverage area.
Attach a written statement fully and expansively describing the below:
 - Description of existing geographic coverage boundary and deficiencies in coverage.
 - Attach map showing proposed conditions if facility is installed.

- ____ Provide significant new coverage area not already served by coverage.
Attach a written statement fully and expansively describing the below:
 - Attach map showing proposed conditions if facility is installed.
 - Description of existing geographic coverage boundary and deficiencies in coverage.

- ____ Increase the existing signal level in an area.
Attach a written statement fully and expansively describing the below:
 - Description of existing geographic coverage boundary and deficiencies in coverage.

- Attach map showing existing coverage and deficiencies noting the location of the nearest wireless facility or tower.
- Attach map showing proposed conditions if facility is installed.

_____ Project is intended to close a significant gap in coverage.

Attach a written statement fully and expansively describing the below:

- Description of existing geographic coverage boundary and deficiencies in coverage.
- Attach map showing existing coverage and deficiencies noting the location of the nearest wireless facility or tower.
- Attach map showing proposed conditions if facility is installed.

_____ Other

Attach a written statement fully and expansively describing all portions or elements of the primary use and purpose of the project and include supporting documentation and/or mapping.

Maintenance

Attach a full list and contact information for any and all subcontractors appointed by the facility owner responsible for maintenance and upkeep of proposed facility. Include a maintenance schedule, and identify any and all subcontractors responsible for each task.

Comparables

All applications shall include photo simulations depicting the planned configuration of any and all facilities or components consisting of the following requirements:

- 8.5" x 11" paper size (landscape orientation)
- Showing proposed facility and all components from all points at ground level
- A minimum of three (3) views are required
- Photo map key showing location of photographic exposure and direction

Alternative Site

Provide proof that alternative sites for location of facilities have been thoroughly investigated and a statement that co-location of facilities is not feasible or possible based on existing coverage limits. Discuss operational functionality in each and all sites researched and investigated for possible location.

Insurance and Indemnification

The Grantee shall save the Township, its agents, employees and elected and appointed officials, harmless from and against all claims, damages, losses and expenses, including reasonable attorneys' fees, sustained on account of any suit, judgment, execution, claim or demand whatsoever arising out of the construction, leasing, operation or maintenance of the Grantee's Equipment, Facilities, and services specified by this Ordinance, whether or not any act or omission complained of is authorized, allowed and/or prohibited by the Ordinance and the rights granted thereunder.

Attach copies of any and all insurance policies and certificates of insurance in accordance with §140-28.

Certification

The undersigned certifies on behalf of itself, the Grantee, Applicant, Owner that the information provided in this form and its known contents, inclusive of all attachments, are true and complete and that the information provided herein should be utilized by the Township of Lower Saucon, Pennsylvania, as being accurate and complete.

Signature

Title

Print

Company Name

Date

Signature & Seal of Notary