

NOTICE TO THE RESIDENTS OF THE BOROUGH OF WYOMISSING

The Borough Council of Wyomissing, Berks County, Pennsylvania will hold a public hearing on Tuesday, January 11, 2021, beginning at 7:00 p.m. in the Borough Hall located at 22 Reading Boulevard in Wyomissing and immediately thereafter will consider enactment of the Ordinance summarized below. The complete title and summary of the proposed Ordinance are as follows:

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 27 ENTITLED “ZONING” BY AMENDING ALL ZONING DISTRICTS IN PART 4 ENTITLED “RESIDENTIAL DISTRICT REGULATIONS” AND PART 5 ENTITLED “COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS” TO PROVIDE FOR NON-TOWER WIRELESS FACILITIES AND SMALL WIRELESS FACILITIES AS A PERMITTED USE THEREIN, PART 6 ENTITLED “GENERAL REGULATIONS”, SECTION 623 ENTITLED “WIRELESS COMMUNICATION FACILITIES”, TO REQUIRE COMPLIANCE WITH APPLICABLE CODES AND ORDINANCES, REMOVE NON-TOWER WIRELESS FACILITIES AS A PERMITTED USE IN THE RIGHT-OF-WAY, PROVIDING FOR SMALL WIRELESS COMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAYS AND REGULATIONS THEREFOR AND PART 2 ENTITLED “DEFINITIONS”, SECTION 201 ENTITLED “SPECIFIC TERMS” TO ADD DEFINITIONS REGARDING WIRELESS COMMUNICATION FACILITIES

Section 1 amends the Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 2 entitled “Definitions”, Section 201 entitled “Specific Terms”, to add or amend certain terms which are set forth in full in the proposed ordinance. Section 2 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 402 entitled “Uses Permitted by Right” to add Letters E and F as set forth in full in the proposed ordinance. Section 3 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 412 entitled “Uses Permitted by Right” to add Letters E and F as set forth in full in the proposed ordinance. Section 4 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 422 entitled “Uses Permitted by Right” to add Letters F and G as set forth in full in the proposed ordinance. Section 5 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 432 entitled “Uses Permitted by Right” to add Letters F and G and as set forth in full in the proposed ordinance. Section 6 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 442 entitled “Uses Permitted by Right” to add Letters E and F as set forth in full in the proposed ordinance. Section 7 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 452 entitled “Uses Permitted by Right” to add Letters G and H as set forth in full in the proposed ordinance. Section 8 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 463 entitled “Uses Permitted by Right” to add Letters F and G as set forth in full in the proposed ordinance. Section 9 amends Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 472 entitled “Uses Permitted by Right” to add Letters E and F as set forth in full in the proposed ordinance. Section 10 amends Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 502 entitled “Uses Permitted by Right” to add Letters P and Q as set forth in full in the proposed ordinance. Section 11

amends Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 512 entitled “Uses Permitted by Right” to add Letters S and T as set forth in full in the proposed ordinance. Section 12 amends Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 522 entitled “Uses Permitted by Right” to add Letters S and T as set forth in full in the proposed ordinance. Section 13 amends Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 542 entitled “Uses Permitted by Right” to add Letters H and I as set forth in full in the proposed ordinance. Section 14 amends Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 552 entitled “Uses Permitted by Right” to add Letters T and U as set forth in full in the proposed ordinance. Section 15 amends Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 562 entitled “Uses Permitted by Right” to add Letters S and T as set forth in full in the proposed ordinance. Section 16 amends Chapter 27 entitled “Zoning”, Part 6 entitled “General Regulations”, Section 623 entitled “Wireless Communications Facilities” to amend Letters A, B, and C as set forth in full in the proposed ordinance, and to delete Letter D in its entirety. Section 17 is the repealer provision. Section 18 states that the provisions of this ordinance shall be severable. Section 19 provides for an effective date. Section 20 states that this Ordinance shall become part of the Code of Ordinances.

All interested residents are invited to attend and be heard. A complete copy of the proposed Ordinance is on file with this publication and the Berks County Law Library. A complete copy of the proposed Ordinance is available for inspection without charge and for copying at a charge not greater than the cost thereof at the Borough Hall during regular office hours.

BOROUGH OF WYOMISSING,
BERKS COUNTY, PENNSYLVANIA
Melissa Miller, Borough Secretary

Christopher J. Hartman, Esquire, Solicitor

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BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 1425-2021

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WYMISSING, CHAPTER 27 ENTITLED "ZONING" BY AMENDING ALL ZONING DISTRICTS IN PART 4 ENTITLED "RESIDENTIAL DISTRICT REGULATIONS" AND PART 5 ENTITLED "COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS" TO PROVIDE FOR NON-TOWER WIRELESS FACILITIES AND SMALL WIRELESS FACILITIES AS A PERMITTED USE THEREIN, PART 6 ENTITLED "GENERAL REGULATIONS", SECTION 623 ENTITLED "WIRELESS COMMUNICATION FACILITIES", TO REQUIRE COMPLIANCE WITH APPLICABLE CODES AND ORDINANCES, REMOVE NON-TOWER WIRELESS FACILITIES AS A PERMITTED USE IN THE RIGHT-OF-WAY, PROVIDING FOR SMALL WIRELESS COMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAYS AND REGULATIONS THEREFOR AND PART 2 ENTITLED "DEFINITIONS", SECTION 201 ENTITLED "SPECIFIC TERMS" TO ADD DEFINITIONS REGARDING WIRELESS COMMUNICATION FACILITIES

WHEREAS, the Council of the Borough of Wyomissing desires to amend the Code of the Borough of Wyomissing regarding wireless communication facilities to allow for non-tower wireless facilities and small wireless facilities in all zoning districts by right, to require compliance with all applicable ordinances and codes, to remove non-tower wireless facilities as a permitted use in the right-of-way, add definitions regarding wireless communication facilities and providing for small wireless communications facilities in the rights-of-ways and regulations therefor by amending zoning regulations found at Chapter 27 of such Code.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania, pursuant to the authority conferred by 1984 Pa. Laws 164 codified at 74 Pa. Cons. Stat. §§5912 et. seq., the Borough Code and the Pennsylvania Municipalities Planning Code as follows:

SECTION 1. The Code of the Borough of Wyomissing Chapter 27 entitled "Zoning", Part 2 entitled "Definitions", Section 201 entitled "Specific Terms", is hereby amended to alphabetically add or amend the following terms:

"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 (Public Law 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.

"Decorative pole." A municipal pole that is specially designed and placed for aesthetic purposes.

"Historic district or building." A building that is or a group of 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.

(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 VI.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 CFR 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 and museums).

(4) Within a historic district created pursuant to the act of June 13, 1961 (P.L.282, No.167), 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 subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

"Micro wireless facility." A small wireless facility that:

(1) does not exceed two cubic feet in volume; and

(2) has an exterior antenna no longer than 11 inches.

"Municipal pole." A utility pole owned, managed or operated by or on behalf of the Borough.

"Small Wireless Facility 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.

"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 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 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 under this paragraph.

"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.

"Utility facility." Buildings, 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.

"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 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.

"Wireless Facilities Applicable codes." Any of the following:

- (1) Uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.
- (2) Local zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances that comply with this act.

"Wireless Facilities Application." A request submitted by an applicant to the Borough:

Small Wireless Facility:

- (1) for a permit to collocate small wireless facilities; or
- (2) to approve the installation, modification or replacement of a utility pole with small wireless facilities attached.

Non-Tower Wireless Facility:

for a permit to install, construct, modify or replace a non-tower wireless communication facility on a structure or building other than a utility pole and outside the right-of-way

Tower Based Wireless Facility:

for a permit to install or construct a tower based wireless communication facility.

"Wireless infrastructure provider." A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in this Commonwealth that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures but is not a wireless services provider.

"Wireless provider." A wireless infrastructure provider or a wireless services provider.

"Wireless services." Services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the public using wireless facilities.

"Wireless services provider." A person who provides wireless services.

SECTION 2. The Code of the Borough of Wyomissing Chapter 27 entitled "Zoning", Part 4 entitled "Residential District Regulations", Section 402 entitled "Uses Permitted by Right" is amended to add Letters E and F that shall read in their entirety as follows:

E. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

F. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 3. The Code of the Borough of Wyomissing Chapter 27 entitled "Zoning", Part 4 entitled "Residential District Regulations", Section 412 entitled "Uses Permitted by Right" is amended to add Letters E and F that shall read in their entirety as follows:

E. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

F. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 4. The Code of the Borough of Wyomissing Chapter 27 entitled "Zoning", Part 4 entitled "Residential District Regulations", Section 422 entitled "Uses Permitted by Right" is amended to add Letters F and G that shall read in their entirety as follows:

F. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

G. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 5. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 432 entitled “Uses Permitted by Right” is amended to add Letters F and G that shall read in their entirety as follows:

F. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

G. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 6. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 442 entitled “Uses Permitted by Right” is amended to add Letters E and F that shall read in their entirety as follows:

E. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

F. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 7. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 452 entitled “Uses Permitted by Right” is amended to reletter D. entitled “Forestry activities to Letter F and add Letters G and H which shall read in their entirety as follows:

F. Forestry activities including, but not limited to, timber harvesting

G. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

H. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 8. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 463 entitled “Uses Permitted by Right” is amended to read in its entirety as follows:

A. Retirement Community. Referred to herein as the “community”. The community is subject to the following requirements:

1. Living units for the elderly, including single-family detached dwellings, single-family semidetached dwellings, townhouses or apartment units, shall be the principal use within the community. In addition, common facilities required to support the needs of persons living within the community, including the elderly and disabled persons regardless of age, shall be provided. Such common facilities may include the following:

(a) Dining facilities including kitchens and accessory facilities for residents and their guests.

(b) Social rooms, chapels, meeting rooms and overnight guest rooms for guests of residents.

(c) Health care facilities including, but not limited to, clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory and such other similar facilities required to supply the health care needs of the residents of the community.

(d) Administrative offices used in the management of the community and health care facilities.

(e) Activity, craft and hobby shops, recreation facilities, gift shops, personal service facilities and similar type uses, exclusively for the use of residents and their guests.

(f) Accessory buildings and uses customarily incidental to the above uses.

2. The minimum size parcel shall be 20 acres.

3. Maximum building height at any point shall be 45 feet. The number of full stories exposed shall not exceed four.

4. Minimum building setback from public streets shall be 50 feet.

5. All structures shall be located a minimum of 50 feet from the property lines of the parcel.

6. No more than 20% of the total area of the parcel shall be covered by buildings.

7. No more than 20% of the total area of the parcel shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.

8. Common parking areas and interior access drives shall be located a minimum of 25 feet from the property lines of the parcel.

9. All buildings shall be set back a minimum of 20 feet from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.

10. All principal buildings shall be separated by a minimum horizontal distance of 45 feet.

11. No less than 30% of the total area of the parcel shall be permanently set aside for noncommercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.

12. Each community shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the community shall remain under a single ownership.

13. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.

14. Entrances to and exits from parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.

15. No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

16. Entrances to and exits from common parking areas shall be located a minimum of 50 feet from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.

17. Minimum parking requirements shall be as follows:

(a) Living units for the elderly: one space per dwelling unit.

(b) Nursing homes, personal care facilities and other care facilities: one space per employee on the largest shift plus one space for each four beds.

(c) Gift shops, personal services facilities and similar type uses: one space for each 200 square feet of gross floor area.

18. A system of paved walkways a minimum of five feet in width shall be provided for access between buildings and common parking

areas, open space and recreation areas, and other community facilities.

19. A landscaping plan for the retirement community prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.

20. Identification signs for retirement communities are permitted provided that no more than one such sign shall be erected at each exterior public street access to the retirement community. No such sign shall be closer than 10 feet to a lot line, and the area on one side of any such sign shall not exceed 25 square feet. No part of any sign shall exceed eight feet in height.

21. No more than six townhouses shall be permitted in a continuous row and the maximum length of a continuous row of townhouses shall be 160 feet. No more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least two feet.

22. For buildings other than townhouses, there shall be no architecturally unbroken building face of more than 160 lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least 30° or, where there is no deflection in the building axis of at least 30°, an integral architectural feature of the building projects from the building face a minimum of 10 feet for a minimum distance of 10 feet along the building face. Such architectural feature shall extend the entire height of the building included within stories.

B. Forestry activities including, but not limited to, timber harvesting shall be a use permitted by right in this district.

C. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

D. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 9. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 4 entitled “Residential District Regulations”, Section 472 entitled “Uses Permitted by Right” is amended to add Letters E and F that shall read in their entirety as follows:

E. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

F. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 10. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 502 entitled “Uses Permitted by Right” is amended to add Letters P and Q that shall read in their entirety as follows:

P. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

Q. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 11. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 512 entitled “Uses Permitted by Right” is amended to add Letters S and T that shall read in their entirety as follows:

S. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

T. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 12. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 522 entitled “Uses Permitted by Right” is amended to add Letters S and T that shall read in their entirety as follows:

S. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

T. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 13. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 542 entitled “Uses Permitted by Right” is amended to add Letters H and I that shall read in their entirety as follows:

H. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

I. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 14. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 552 entitled “Uses Permitted by Right” is amended to add Letters T and U that shall read in their entirety as follows:

T. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

U. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 15. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled “Commercial and Industrial District Regulations”, Section 562 entitled “Uses Permitted by Right” is amended to add Letters S and T that shall read in their entirety as follows:

S. Non-Tower Wireless Communication Facilities outside of the Right-of-Ways per Section 623B.

T. Small Wireless Communication Facilities within the Right-of-Ways per Section 623C.

SECTION 16. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 6 entitled “General Regulations” is hereby amended by amending Section 623, entitled “Wireless Communications Facilities”, Letter A., Letter B. and Letter C. as follows and to delete Letter D.

§623. Wireless Communications Facilities.

A. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities:

* * *

(31) Applicable Codes. Conformance and compliance and continual compliance with all other applicable Borough Codes or Ordinances including obtaining and maintaining the required permits, including, but not limited to, IFC permits and inspections for liquid fueled generators

B. General Requirements for All Non-Tower Wireless Communications Facilities.

(1) The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:

(a) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones outside of the right-of-way subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough. Applicants proposing installations on existing buildings or towers shall submit evidence of agreements and / or easements necessary to provide access to the existing building or tower so that installation and maintenance of the equipment can be accomplished. Non-tower WCFs shall not be permitted within any right-of-way.

* * *

(2) The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:

(a) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones outside of the right-of-way subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.

* * *

(3) The following regulations shall apply to all non-tower wireless communications facilities whether or not they substantially change the physical dimensions of the wireless support structure to which they are attached.

* * *

(k) Deleted. Reserved.

* * *

(n) Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings subject to the following conditions:

- (i) Such WCF does not exceed a maximum height of 125 feet.
- (ii) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
- (iii) A minimum eight foot (8') high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(o) Design Regulations.

(i) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.

(ii) Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a special exception from the Borough's Zoning Hearing Board.

(iii) All non-tower WCF applicants must submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

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

(v) Noncommercial Usage Exemption. The design regulations enumerated in this paragraph shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

(vi) Replacement Support Structures. Existing above-ground structures may be replaced with structurally hardened, fitted or reinforced support structures so long as the replacement structure is, in the approval authority's discretion, substantially similar to the existing structure being replaced.

(p) Removal, Replacement, Modification.

(i) The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.

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

(q) Visual or Land Use Impact. The Borough reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.

(r) Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Borough Code or State or Federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time upon reasonable notice to the operator, to ensure such compliance.

(4) The regulations set forth herein for non-tower wireless communications facilities shall not apply to non-commercial communications non-tower wireless communications facilities.

(5) Applicable Codes. Conformance and compliance and continual compliance with all other applicable Borough Codes or Ordinances including obtaining and maintaining the required permits, including, but not limited to, IFC permits and inspections for liquid fueled generators.

C. Small Wireless Facilities

(1) Use of right-of-way for small wireless facilities and utility poles with small wireless facilities attached.

(a) Permitted in All Zones Subject to Regulations. Small WCFs are permitted in all zones within the right-of-way subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough. Applicants proposing installations on existing poles shall submit evidence of agreements and / or easements necessary to provide access to the existing pole so that installation and maintenance of the equipment can be accomplished.

(b) Applicability.--The provisions of this section shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated new utility poles with small wireless facilities attached.

(c) Right-of-way rates and fees.--Subject to the fee adjustment requirements hereunder, the Borough shall have the right to charge an annual fee for the use of the right-of-way. An annual right-of-way fee shall not exceed \$270 per small wireless facility or \$270 per new utility pole with a small wireless facility unless the Borough demonstrates all of the following:

(i) The annual right-of-way fee is a reasonable approximation of the Borough's costs to manage the right-of-way.

(ii) The Borough's costs under paragraph (C)(1)(c)(i) are reasonable.

(iii) The annual right-of-way fee is nondiscriminatory.

(d) Right of access.--

(i) Under the provisions of this act, in accordance with applicable codes, and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the right-of-way:

(A) Collocate.

(B) Replace an existing utility pole or install a new utility pole with attached small wireless facilities.

(ii) All structures and facilities 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 Borough and utilities.

(e) Size limits.--

(i) Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a 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 feet (5') above the existing utility pole.

(B) If collocation on an existing utility pole cannot be achieved hereunder, a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(ii) Subject to the provisions of this act, a wireless provider may collocate or install a new utility pole with small wireless facilities attached that exceeds these height limits by including a height limit variances in the application. Variances shall be processed in accordance with the provisions of the Zoning Ordinance.

(f) Underground district.--A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit

communications service providers from placing or installing structures in the right-of-way in an area designated solely for underground or buried cable facilities and utility facilities if the Borough :

(i) Requires all cable facilities and utility facilities, other than municipal poles and attachments, to be placed underground by a date certain that is three months prior to the submission of the application.

(ii) Does not prohibit the replacement of municipal poles in the designated area.

(iii) Provides for a waiver of the underground requirements for the installation of a new utility pole to support small wireless facilities for which a public hearing may be required and with the approval of the property owner allow for a waiver that shall be addressed in a nondiscriminatory manner and in accordance with applicable codes.

(g) Historic district or building.--Except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4) (relating to actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared), the Borough may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district or on historic buildings. Any design or concealment measures may not have the effect of prohibiting any provider's technology or be considered a part of the small wireless facility for purposes of the size restrictions of small wireless facilities.

(h) Design guidelines.—The Borough may develop objective design guidelines for a small wireless facility regarding the minimization of aesthetic impact in accordance therewith which the Applicant shall comply with or request a modification.

(i) 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 or the wireless provider's contractors and return the right-of-way in as good of 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 Borough within 30 days after written notice, the Borough may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed \$500. The Borough may suspend the ability of an Applicant to receive a new permit from the Borough until the Applicant has paid the amount assessed for the repair costs and the assessed penalty. The Borough may not suspend the ability of an

Applicant to receive a new permit that has deposited the amount assessed for the repair costs and the assessed penalty in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

(j) Communications services.--The approval of the installation, placement, 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 wireless facilities and associated utility poles in the right-of-way.

(2) Permitting process for small wireless facilities and utility poles within right-of-way.

(a) Applicability.--The provisions of this section shall apply to the Borough's permitting 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) Review.--An application under this section shall be treated as a permitted use in all zoning districts of the Borough, except underground districts in accordance with this Ordinance, and reviewed by Borough staff or appointed officials for conformance with applicable codes. Such applications shall not be subject to discretionary zoning review, including conditional use or special exception requirements.

(c) Permits.—

(i) An Applicant shall submit an application to obtain one or more permits of general applicability to perform the following within the right-of-way:

(A) Collocate, maintain and modify small wireless facilities.

(B) Replace existing utility poles for collocation.

(C) Install new utility poles with attached small wireless facilities.

(ii) The Borough shall receive applications for collocation or for installation, modification or replacement of utility poles with small wireless facilities attached and process and issue permits, subject to the requirements of applicable codes.

(A) An Applicant shall not be required to provide justification for capacity or radio frequency.

(B) An Applicant shall be required to:

(1) Include documentation with an Application that includes construction and engineering drawings, demonstrates compliance with the criteria specified hereunder and includes all necessary approvals from the pole owner.

(2) Self-certify that the filing and approval of the application is required by the wireless provider to provide additional capacity or coverage for wireless services.

(3) Include documentation showing compliance with design guidelines established by the Borough.

(d) Completed application.--Within ten (10) business days of receiving an Application, the Borough shall determine and notify the Applicant in writing whether the Application is incomplete. If the Borough determines an application is incomplete, it shall advise the Applicant, with specificity, of the missing information. The processing deadline shall restart at zero on the date the Applicant provides the missing information. The Borough and Applicant may agree to toll the processing deadline.

(e) Deadlines.--An Application shall be processed on a nondiscriminatory basis and deemed approved if the Borough fails to approve or deny the application within 60 days of receipt of a complete application to collocate and within 90 days of receipt of a complete application to replace an existing utility pole or install a new utility pole with small wireless facilities attached. A permit associated with an application deemed approved under this subsection shall be deemed approved if the Borough fails to approve or deny the permit within seven (7) business days after the date of filing the permit application with the Borough unless there is a public safety reason for the delay.

(f) Denial.--

(i) The Borough may deny an Application under this section only if any of the following apply:

(A) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or

compliance with the Americans with Disabilities Act of 1990 (Public Law 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 codes.

(C) The small wireless facility fails to comply with the requirements specified under Act 50 of 2021 of the Commonwealth of Pennsylvania or an amendment thereof.

(D) The Applicant fails to submit a report by a qualified engineering expert which shows that the small wireless facility will comply with applicable FCC regulations.

(ii) Within the time frame established under subsection (e), the Borough shall document the basis for a denial, including the specific provisions of applicable codes on which the denial was based, and send the documentation to the Applicant within five (5) business days of the denial.

(iii) The Applicant may cure the deficiencies identified by the Borough and resubmit the application within 30 days of receiving the written basis for the denial without being required to pay an additional application fee. The Borough shall approve or deny the revised application within 30 days of the Application being resubmitted for review or the resubmitted Application shall be deemed approved 30 days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted Application addresses or changes other sections of the Application that were not previously denied, the Borough shall be given an additional 15 days to review the resubmitted application and may charge an additional fee for the review.

(g) Consolidated application.--An Applicant seeking to collocate within the Borough shall be allowed at the Applicant's discretion to file a consolidated application for collocation of multiple small wireless facilities as follows:

(i) The consolidated application does not exceed twenty (20) small wireless facilities.

(ii) The denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same consolidated application.

(iii) A single applicant may not submit more than one consolidated or twenty (20) single applications in a 30-day period. If the Borough receives more than one consolidated application or 20 single applications within a 45-day period, the processing deadline shall be extended 15 days in addition to the processing deadline specified under subsection (e) to allow the Borough to complete its initial review under subsection (e).

(iv) The following apply:

(A) For the purpose of counting the number of small wireless facilities each applicant has before the Borough at a given time, small wireless facilities and poles that a wireless provider Applicant has requested a third party to deploy and that are included in a pending application by the third party shall be counted as pending requests by the wireless provider applicant.

(B) An Application tolled hereunder shall count towards the total number of applications included in a consolidated application unless the application is withdrawn by the Applicant. As the processing of applications are completed, the Borough shall begin processing previously tolled applications in the order in which the tolled applications were submitted, unless the applicant specifies a different order.

(h) Time limit for work.--The proposed collocation, 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 section shall be completed within one (1) year of the permit issuance date unless the Borough and the Applicant agree in writing to extend the period.

(i) Utility poles.--When applying to install a new utility pole under this Ordinance, the Borough may require the wireless provider to demonstrate that it cannot meet the service reliability and functional objectives of the Application by collocating on an existing utility pole or municipal pole instead of installing a new utility pole. The Borough may require the wireless provider to self-certify that the wireless provider has made this determination in good faith and to provide a documented summary of the basis for the determination. The wireless provider's determination shall be based on whether the wireless provider can meet the service objectives of the application by collocating on an existing utility pole or municipal pole on which:

- (i) The wireless provider has the right to collocation.
- (ii) The collocation is technically feasible and would not impose substantial additional cost.
- (iii) The collocation would not obstruct or hinder travel or have a negative impact on public safety.

(j) Replacement of Existing Street Light Poles. Except where street light installation is required hereby above, the following standards apply when replacing an existing street light pole with a combination small WCF and street light pole. Such replacements should only be located where an existing street light pole can be removed and replaced, or at a new location where it has been identified that a street light is necessary. All such replacements shall meet the following standards: (i) replacement street light poles shall be an equal distance from other street light poles based upon the average distance between existing street light poles within the immediate neighborhood; (ii) replacement street light poles shall have at least a 5 year manufacturer's replacement warranty; (iii) replacement street light poles shall be owned by the Borough at the Borough's discretion; (iv) the centerline of a new small WCF support structure shall be in alignment with existing utility poles where present, or with street trees along the same side of the ROW; (v) pole shall be located a minimum of 12 feet from driveway aprons; (vi) pole shall be sited a minimum of 15 feet away from trees to prevent disturbance within the critical root zone of existing trees having a 6 inch diameter at breast height located in the immediate vicinity.

(k) Approval.--Approval of an Application authorizes the Applicant to:

(i) Collocate on an existing utility pole, modify or replace a utility pole or install a new utility pole with small wireless facilities attached as identified in the initial application.

(ii) Subject to the permit requirements and the Applicant's right to terminate at any time, operate and maintain small wireless facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five (5) years, which shall be renewed for two (2) additional five-year periods if the Applicant is in compliance with the criteria set forth in Act 50 of 2021 or applicable codes consistent with this Ordinance and the Applicant has obtained all necessary consent from the utility pole owner.

(l) Removal of equipment.—

- (i) Within 60 days of suspension or revocation of a permit due to noncompliance with this Ordinance or applicable codes consistent herewith, the Applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant'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.
 - (ii) Within 90 days of the end of a permit term or an extension of the permit term, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole.
- (m) An Application for maintenance:—
 - (i) The Borough shall not require an application for:
 - (A) Routine maintenance or repair work.
 - (B) The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller and still qualify as a small wireless facility.
 - (C) The installation, placement, maintenance, operation or replacement of micro wireless facilities that are strung on cables between existing utility poles by or for a communications service provider authorized to occupy the right-of-way, in compliance with the National Electrical Safety Code.
 - (ii) The Borough shall require a permit to perform work within the right-of-way for the activities hereunder or other applicable subsection for work that involves excavation, closure of a sidewalk or closure of a vehicular lane. Permits shall be subject to the requirements provided herein or applicable codes consistent with Act 50 of 2021.
- (n) Application fees.--Subject to the fee adjustment requirements under this Ordinance, the Borough shall have the right to charge an application fee for the review of a permit application and plans submitted for the work to be done within the right-of-way. The Borough may charge a one-time application fee of up to the following:

- (i) Five hundred dollars for an application seeking approval for no more than five collocated small wireless facilities and up to \$100 for each collocated small wireless facility beyond five.
 - (ii) One thousand dollars for an application seeking approval of a small wireless facility that requires the installation of a new or replacement utility pole.
- (3) Access to municipal poles within right-of-way.
 - (a) Applicability.--The provisions of this section shall apply to activities of the wireless provider within a right-of-way.
 - (b) Collocation.--Collocation on municipal poles using the process required under this Ordinance and applicable codes shall be allowed unless the small wireless facility would cause structural or safety deficiencies to the municipal pole, in which case the Borough and Applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way.
 - (c) Rates.—A fee shall not be charged to collocate on municipal poles subject to the fee adjustments under section (4)(a).
 - (d) Implementation and make-ready work.--
 - (i) The Borough may charge for make ready work to collocate on a municipal pole.
 - (ii) The Borough shall provide a good faith estimate for any make-ready work necessary to enable the municipal pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application.
 - (iii) Make-ready work, including pole replacement, shall be completed within 60 days of written acceptance of the good faith estimate by the applicant.
 - (iv) The Borough demonstrates that the collocation would make the municipal pole structurally unsound and shall not require more make-ready work than required to meet applicable codes or industry standards.

(v) Fees for make-ready work on a nonplacement municipal pole shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including replacement, shall not exceed actual costs or the amount charged to other similarly situated communications service providers for similar work and shall not include any consultant fees or expenses that are charged on a contingency basis.

(e) Future use.—The Borough may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed. A reservation of space shall not preclude collocation, the replacement of an existing utility pole or the installation of a new utility pole. If the replacement of a municipal pole is necessary to accommodate collocation and the reserved future use, the wireless provider shall pay for the replacement municipal pole and the municipal pole shall accommodate the future use.

(4) Rate or fee adjustments.--

(a) If the FCC adjusts its levels for fees for small wireless facilities, a Borough may adjust any impacted rate or fee hereunder, on a pro rata basis, and consistent with the FCC's adjustment.

(b) If, in a final adjudication not subject to further appeal or to review by the United States Supreme Court, a Federal court reviewing Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133 (released September 27, 2018), reverses or repeals the rates outlined in that FCC order, then the monetary caps hereunder may increase 3% annually beginning January 1, 2021, at the discretion of the Borough.

(5) Indemnification. Except for a wireless provider with an existing agreement to occupy and operate in a right-of-way, a wireless provider shall fully indemnify and hold the Borough 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. A wireless provider shall not be required to indemnify for an act of negligence or willful misconduct by the Borough, its elected and appointed officials, employees and agents.

(6) Insurance. The Borough shall be named as an additional insured on all applicable insurance policies.

(7) General requirements for uses of rights-of-way.

The following apply:

(a) Structures and facilities deployed by a wireless provider under this Ordinance shall be constructed, maintained and located in a manner as to not obstruct, endanger or hinder the usual travel or public safety on a right-of-way, damage or interfere with other utility facilities located within a right-of-way or interfere with the other utility's use of the utility's facilities located or to be located within the right-of-way.

(b) The construction and maintenance of structures and facilities by the wireless provider shall comply with the 2017 National Electrical Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.

(c) An applicant or the applicant's affiliate shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair or maintenance work on a small wireless facility deployed under this act meets and attests to all of the following requirements:

(i) Maintain all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that is necessary to do business or perform applicable work.

(ii) Maintain compliance with the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.

(iii) Has not defaulted on a project, declared bankruptcy, been debarred or suspended on a project by the Federal Government, the Commonwealth or a local government entity within the previous three years.

(iv) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.

(v) Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for

any hazards that may be encountered during their work on the small wireless facility.

(d) Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, relocation requirements for public utilities, and related considerations.

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

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

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

(i) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way.

(ii) The operations of the Borough or other governmental entity in the right-of-way.

(iii) Vacation of a street or road or the release of a utility easement.

(iv) An emergency as determined by the Borough.

(8) Construction of Ordinance. Nothing in this Ordinance shall be construed to impact, modify or supersede any construction standard, engineering practice, tariff provision, collective bargaining agreement, contractual obligation or right, Federal or State law or regulation relating to facilities (defined in 66 Pa.C.S. § 102) or equipment owned or controlled by an electric distribution company (defined in 66 Pa.C.S. § 2803) or its affiliate, a telecommunications carrier (defined in 66 Pa.C.S. § 3012), an electric cooperative or an independent transmission company that is not a wireless provider.

(Ord. 1234, 2/11/2003, §1, entitled “Regulations Governing Communication Towers and Antennas” was deleted in its entirety by Ord. 1371, 9/8/2015, §7; replaced in its entirety by Ord. 1371, 9/8/2015, §§ 8 and 9; as amended by Ord. 1376, 12/8/2015, §§ 2 and 3; as amended by Ord. 1386, 1/9/2018, §3; as amended by Ord 1418, 4/13/2021, §1)

SECTION 17. Repeal of Ordinances.

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinance’s provisions.

SECTION 18. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Wyomissing, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 19. Effective Date.

The effective date of the within amendments shall be immediately upon its enactment and approval by the Mayor.

SECTION 20. Code of Ordinances.

The Code of Ordinances, as amended, of the Borough of Wyomissing, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

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DULY ORDAINED and ENACTED as an Ordinance this _____ day of _____, 2022.

BOROUGH OF WYOMISSING
Berks County, Pennsylvania

By: _____

President of Borough Council

Attest: _____

Melissa Miller
Secretary of the Borough

APPROVED this _____ day of _____, 2022.

Frederick C. Levering
Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. _____ - 2022 adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on _____, 2022, pursuant to notice as required by law.

Melissa Miller
Secretary of the Borough