
Mayor Michael A. Lombardo, In Place

October 21, 2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PITTSTON, LUZERNE COUNTY, PENNSYLVANIA, REPEALING, REPLACING AND/OR AMENDING SECTIONS OF THE CITY OF PITTSTON ZONING ORDINANCE NO. 9 OF 2019.

BE IT ENACTED AND ORDAINED BY THE CITY OF PITTSTON and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1.

Amend Article II Chapter 480.12 General Definitions by repealing the definitions of “Wireless”, “Wireless Communications Facility (WCF),” “Wireless Communications Facility Applicant (WCF Applicant),” and “Wireless Support Structure” and adding the following definitions:

Accessory Equipment. Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna. An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

Collocation. The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

Disposable Material. Garbage, rubbish, waste material, ashes, refuse or any other material the disposal of which is subject to the Pennsylvania Solid Waste Management Act of 1980, (Act 97 of 1980).

Emergency. A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Equipment Compound. An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

FCC. Federal Communications Commission.

Junkyard. An area of land, with or without buildings, used for storage, outside a completely enclosed building, of used and discarded materials, including but not limited to wasterpaper, rags, metal, building materials, house furnishings, machinery or vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

Manufactured Home. A single-family dwelling which is designed, after assembly and fabrication, for transportation on streets and highways with or without its own running gear, and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes, and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile housing. Manufactured Home shall also mean Mobile Home, but shall not mean Modular Home.

Manufactured Home Park. Any plot of ground upon which two or more Manufactured Homes occupied for dwelling or sleeping purposes are located.

Modification or Modify. The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Non-Tower Wireless Communications Facility (Non-Tower WCF). Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Person (as it relates to Wireless Communications). Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that “Person” does not include or apply to the City, or to any department or agency of the City.

Replacement (as it relates to Wireless Communications). The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities

initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Sanitary Landfill. Any place where disposable material is dumped, stored, treated, buried or otherwise disposed of.

Small Wireless Communications Facility. A wireless communications facility that meets the following criteria:

- (1) The wireless support structure on which antenna facilities are mounted—
 - (i) is 50 feet or less in height, or
 - (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities, whichever is lesser; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

Stealth Technology. Camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Tower-Based Wireless Communications Facility (Tower-Based WCF). Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.

Transfer Station. An intermediate solid waste disposal facility, whether fixed or mobile, in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

WBCA. Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

Wireless. Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Communications Facility (WCF). An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

Wireless Support Structure. A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

SECTION 2.

Amend Article V Table 480.26 to Permit Park and Recreation Area in I; and

Add “Manufactured Home Park” under Residential Uses as a Special Exception in the R3 District; and

Add “Day Care, Group” under Commercial Uses as a Permitted Use in NC and CB and a Special Exception in I; and

Add “Junkyard” under Industrial Uses as a Special Exception in the Industrial District.

Add “Sanitary Landfill” under Industrial Uses as a Conditional Use in the Industrial District.

Add “Transfer Station” under Industrial Uses as an Accessory Use in the Industrial District.

SECTION 3.

Amend Article XI Chapter 480.42 Section D to add Subsection 7. Manufactured Home Park

Amend Table 480.43 to add “Manufactured Home Park” and to see “Article XXXIV”.

SECTION 4.

Amend Article XII Chapter 480.45 Section A to add Subsection 13. Day Care, Group

SECTION 5.

Amend Article XIII Chapter 480.48 Section A to add Subsection 16. Day Care, Group

SECTION 6.

Amend Article XIV Chapter 480.52 Section B to add Subsection 2. Transfer Stations Accessory with Sanitary Landfill

Amend Article XIV Chapter 480.52 Section C to add the following Subsections:

- 5. Junkyard
- 6. Day Care, Group
- 7. Sanitary Landfill

SECTION 7.

Amend Article XV Chapter 480.62 Section B Subsection 3 to remove “Ground Signs” to now read:

Area of all signs. The maximum area of all signs shall be fifteen percent (15%) of the area of the face of the building on which the signs are proposed.

Amend Article XV 480.62 Section F Subsection 1 to add:

- i. Wall signs shall only be externally lit. See 480.60 Section E.

Amend Article XV 480.62 to add:

- I. All other signs that are not expressly permitted in this chapter shall be prohibited.

SECTION 8.

Amend to change the following Table Number and all references within the entire ordinance as follows:

480.63 to 480.64

SECTION 9.

Amend Article XVI Chapter 480.64 Section to change Table 480.54 to Table 408.64.

SECTION 10.

Amend Article XVII Chapter 480.71 to change Table 480.56 to Table 480.74.

Repeal Article XVII Chapter 480.72 Construction and replace with:

480.72 Construction

Fences shall be of quality fencing materials and kept in good condition and comply with Table 480.74.

SECTION 11.

Amend Article XXVIII Chapter 480.102 to add the following sentence at the end of the Chapter:

“Sign permissions are listed in Table 480.102 (3).”

Amend Article XXVIII to add Table 480.102 (3) immediately after Figure 480.102 (2).

TABLE 480.102 (3) SIGNAGE BY ZONING DISTRICT

NP-Not Permitted

	OS	R1	R2	R3	NC	CB	I	MSO
Billboards	NP	NP	NP	NP	NP	NP	Permitted (See Article XXVIII)	NP
Directional Signs	Permitted (See Article XXVIII)							NP
Free-Standing Signs	Permitted (See Article XXVIII)							NP
Projecting Signs	Permitted (See Article XXVIII)							Permitted (See Article XV)
Portable Signs	NP	NP	NP	NP	Permitted (See Article XXVIII)	Permitted (See Article XXVIII)	NP	NP
Roof Signs	NP	NP	NP	NP	Permitted (See Article XXVIII)	Permitted (See Article XXVIII)	Permitted (See Article XXVIII)	NP
Menu Boards	Permitted (See Article XXVIII)							NP
Sandwich Board Signs	Permitted (See Article XV)							
Temporary Signs <ul style="list-style-type: none"> • Real Estate Signs • Development and Construction Signs • Special Promotion, Grand Opening, Event Signs • Special Events in Public Rights of Way • Political Signs 	Permitted (See Article XXVIII)							NP
Wall Signs	Permitted (See Article XXVIII)							Permitted (See Article XV)
Window Signs	Permitted (See Article XXVIII)							Permitted (See Article XV)
Canopy and Marquee Signs	Permitted (See Article XXVIII)							NP
Awning Signs	Permitted (See Article XXVIII)							NP
Freestanding/Pylon/Ground Signs	Permitted (See Article XXVIII)							NP
Signs for Development Complexes	Permitted (See Article XXVIII)							NP
Under Canopy Signs	Permitted (See Article XXVIII)							NP

SECTION 12.

Repeal Article XXVII Chapter 480.113 Section B.

Amend Article XXVII Chapter 480.113 Section C to rename it Section B.

Amend Table 480.113 (1) to repeal “See Table 908.1.1 (2)” and replace with “2 square feet in area for every lineal foot of building frontage, up to a maximum of 40 square feet.”

Repeal Article XXVII Table 480.113 (2) Sign Area.

SECTION 13.

Repeal Article XXVII 480.114 Section G and replace with:

G. Sandwich board signs.

Refer to Article XV, Chapter 480.61, Section E.

SECTION 14.

Amend Article XXVII Chapter 480.115 Section D to repeal Subsection 2 (blank) and change Subsection 3 to Subsection 2.

Amend Article XXVIII Chapter 480.115 to add:

H. Freestanding/Pylon/Ground Signs.

1. The required setback distance of 10 feet shall be measured from the outermost edge of the sign and not from the supporting structure. If an existing building has a front yard setback which is less than 10 feet, any proposed new sign shall be attached flat against the building as a wall sign.
2. Whenever possible, freestanding signs shall be designed with two support posts or columns to help frame the message board, versus a single pole or pylon, to better integrate the signage architecture with the landscape.
3. Whenever possible, ground signs shall be installed and maintained, versus freestanding signs, to better integrate the signage architecture with the landscape.
4. Freestanding/Pylon/Ground signs shall not exceed 50 square feet in area or 12 feet in height, unless a sign area bonus is achieved in accordance with Subsection 5.
5. The square footages of freestanding signs and ground signs may be increased up to ten percent above the areas listed, if the Zoning Officer determines that enhanced landscaping will be installed and maintained in accordance with the value-added attributes set forth below.

i. Value added attributes of well-designed signage and landscaping.

(1) In order to achieve a sign area bonus of up to ten percent, the applicant shall demonstrate, through the submission of plans and images, that the proposed signage will provide the features described below, and will be constructed and maintained with quality materials.



Large Ground/Monument Sign

(a) Low walls of masonry material and generous landscaping.

(aa) Stone walls.

(bb) Stone piers.

(cc) Seasonal flowers and evergreen shrubs in a continuously mulched planting bed.



Freestanding Sign with
Double Posts or Columns

(b) Masonry materials, and generous landscaping at base of freestanding/pylon sign.

(aa) Brick posts or columns with detailing.

- (bb) Finial cap on columns.
- (cc) Seasonal flowers in a continuously mulched planting bed.



Ground/Directional Sign

- (c) Varied masonry materials and complimentary landscaping.
 - (aa) Stone base.
 - (bb) Brick body.
 - (cc) Sandstone cap.
 - (dd) Seasonal flowers, perennial flowers, and evergreen groundcovers in a continuously mulched planting bed.

SECTION 15.

Amend Article XXVII Chapter 480.117 to add Section:

L. Digital, electronic messaging and/or LED signs shall only be permitted by Special Exception.

SECTION 16.

Repeal Article XXVIII Chapter 480.120 Section D and replace with:

D. After the Office of Community Development confirms that the mural meets the definition and all materials are complete, the Office of Community Development shall consult appropriate Downtown entities and City Officials as it deems appropriate for additional comments. The Office of Community Development will refer the application to the Zoning Official and Facilities for review of the structural elements other than paint that will be attached to the building wall, or if the mural requires the temporary use of public right-of-way.

The Fire Department will review any application for a mural that contains elements or materials that has been or will be plastered or mounted onto doors, windows, vents, or any other parts of a building which may affect ingress or egress or firefighting operations, including ventilation.

SECTION 17.

Repeal Article XXXI. Wireless Communications Facilities and replace with:

ARTICLE XXXI. Wireless Communications Facilities

480.128 Purpose

The purposes of this section include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014) and Declaratory Ruling and Report and Order of September 27, 2018, FCC 18-133 (rel. Sep. 27, 2018); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. in City of Pittston. Moreover, the City of Pittston desires to plan and accommodate for the managed deployment of infrastructure both in and out of the public rights-of-way that is necessary to accommodate the wireless communications needs of residents, businesses and emergency service providers. While the City of Pittston recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the City of Pittston also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

Definitions

For definitions for Wireless Communications Facilities and the regulations found in this Article refer to Article II.

Permitted and prohibited zoning districts for wireless communications facilities (WCF)

TABLE 480.130(1)
Permitted Zoning Districts

WCF TYPE	PERMITTED ZONING DISTRICT	PERMITTED BY RIGHT, CONDITIONAL USE (CU), OR SPECIAL EXCEPTION
Small WCF requiring New Wireless Support Structure and Located in the ROW	CB, NC, I	By Right
	Residential Zoning Districts	CU
Tower-Based WCF where the Tower is 40' or less in height, located Out of ROW	CB, NC, I Municipal owned property in all zoning districts	By Right
Tower-Based WCF where the Tower is more than 40' in height, Located Out of the ROW	I	CU
	Church, School, Public or Semi-Public or other institutional lots or properties in Residential Zoning Districts	CU
WCF on Existing Structures	All Districts	By Right
Eligible Facilities Request		

TABLE 480.130(2)
Prohibited Zoning Districts

WCF TYPE	PROHIBITED ZONE
Tower-Based WCF located out of the ROW	Residential lots or properties within Residential Zoning Districts
Small WCF requiring new Wireless Support Structure and located in the ROW	Residential Zoning Districts where all public service utilities are primarily located underground within one hundred (100') feet of the proposed Small WCF

TABLE 480.131

Bulk and Area Requirements

		WCF out of ROW	WCF in ROW
Height		Tower-Based WCFs shall be designed to Minimum Functional Height. Applicants must submit documentation justifying the total height.	Tower-Based WCFs shall be designed to Minimum Functional Height, not to exceed 40 feet in Residential Zoning Districts the total height. and 60 feet in CB, NC or I Zoning Districts. Applicants must submit documentation justifying the total height.
Lot Size	Only use on lot or property:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot or property:	Area needed to accommodate the WCF and guy wires, Accessory Equipment, and if required security fence and landscaping and screening.	
Setback	Towers:	Setback from property line, not lease lines, at least 110% of the combined height of the Wireless Support Structure and Antennas, or the applicable minimum setback in the underlying zoning district, whichever is greater.	Not Applicable.
	Equipment buildings/cabinets:	Subject to applicable minimum accessory use or structure setback in the underlying zoning district.	

480.132 Design, Construction and Operations.

The following requirements shall apply to all WCFs that do not meet the definition of a Small WCF.

- A) All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, Modified, removed and Replaced in strict compliance with all current applicable federal and state technical and safety codes.
- B) Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
- C) All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

- D) Collocation. All Tower-Based WCFs located outside of the right-of-way shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.
- E) Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the City.
- F) Lighting. Towers shall not be artificially lighted beyond what is required by law.
- G) Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by Chapter 322 of the City Code. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
- H) Vehicular Access.
1. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the right-of-way.
 2. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
 3. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
 4. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 5. An applicant shall present documentation to the City of Pittston that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
 6. Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.

7. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
 8. The requirement for vehicular access may be waived by the City of Pittston when such vehicular access would not be appropriate or feasible.
- I) Fencing. A security fence with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the right-of-way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the City of Pittston when the fence would not be appropriate or feasible.
 - J) Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.
 - K) Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the City of Pittston's Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.
 - L) Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
 - M) Inspections for all WCFs where the new Tower is more than 40 feet in height.
 1. A copy of any required inspection report shall be provided to the City following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the City.
 - N) Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.

480.133 Aesthetics, Landscaping, and Screening

- A) Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
- B) Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the right-of-way, shall submit a landscaping and screening design including the following:
 - 1. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
 - 2. Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the City.

480.134 Replacement, Collocation, or Modification

- A) Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the City building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.
- B) Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the City.
- C) Any Substantial Change to an existing Tower-Based WCF shall require Conditional Use approval of the City in accordance with the terms of this Section.
- D) An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the City of Pittston building Zoning Officer for compliance with the building code.

480.135 Permit Requirements

- A) Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the right-of-way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a 1/2-mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
- B) Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within 1 year of the filing of its application with respect to the applicant in the area.
- C) Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property. If the proposed WCF is to be attached to a Wireless Support Structure owned by a person other than the applicant, the applicant shall submit proof of a valid pole attachment agreement or other authorization permitting the applicant to attach its proposed WCF to the Wireless Support Structure.
- D) Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.
- E) Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
- F) Insurance.
1. Each Person that owns or operates a Non-Tower WCF or Small WCF shall annually provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the WCF.
 2. Each Person that owns or operates a Tower-Based WCF shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum

amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.

- 3. Notwithstanding the foregoing, a wireless provider may self-insure the required insurance under the same terms and conditions as outlined above.

G) Review timeframes.

**TABLE 480.135
WCF Review Timeframes**

	The City shall notify the applicant in writing of information that may be required to complete application.	The City shall approve or deny the application unless a shorter time period is applicable under the PA MPC.
New Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the City.	Within 150 days of submission of the complete application for a WCF.
Non-Tower WCFs	Within 30 calendar days of the date the application was filed with the City.	Within 90 days of submission of a complete application for a WCF.
Small WCF (requiring new Wireless Support Structure)	Within 10 calendar days of the date the application was filed with the City.	Within 90 days of submission of a complete application for a WCF.
Small WCF (Collocated)	Within 10 calendar days of the date the application was filed with the City.	Within 60 days of submission of a complete application for a WCF.
Eligible Facilities Requests	Within 30 days of the date the application was filed with the City.	Within 60 days of submission of a complete application for a WCF.

H) Fees. Fees assessable by the City of Pittston for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the governing body by resolution from time to time.

480.136 Discontinuation, Abandonment and Removal

A) In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the Site unless a time extension is approved by the City.
2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a Site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.
3. Any unused portions of WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations.

480.137 Regulations Applicable to all Small Wireless Communications Facilities.

The following regulations shall apply to Small Wireless Communications Facilities:

- A) Non-conforming Wireless Support Structures. Small WCF shall be permitted to collocate upon non-conforming Towers and other non-conforming structures. Collocation of WCF upon existing Towers is encouraged even if the Tower is non-conforming as to use within a zoning district.
- B) Safety in Rights-of-Way.
 1. Schedule of operations. The City of Pittston shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all Small WCFs located in the right-of-way, based on public safety, traffic management, physical burden on the right-of-way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of City of Pittston and the requirements of the Public Utility Code.
 2. Alteration of a WCF. Within 60 days following written notice from the City of Pittston, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF located in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Small WCF when the City of Pittston consistent with the lawful exercise of its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 - a. The construction, repair, maintenance or installation of any municipal or other public improvement located in the right-of-way.

- b. The operations of the City of Pittston or other governmental entity in the right-of-way.
 - c. Vacation of a street or road or the release of a utility easement.
 - d. An emergency as determined by the City of Pittston
 - e. No permit is required for such removal, relocation, change or alteration ordered by the City of Pittston.
3. Visual obstruction. All Small WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the City of Pittston. In no case shall ground-mounted equipment, walls, screening or landscaping be located within 18 inches of the face of the curb, or in an area in which there are no curbs, within 3 feet of the edge of cart way.
- C) Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the City.
- D) Wind and ice. All Small WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- E) Public safety communications. Small WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- F) Radio frequency emissions. A Small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- G) Accessory Equipment. Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the City.
- H) Graffiti. Any graffiti on the Wireless Support Structure or on any Accessory Equipment shall be removed at the sole expense of the owner within thirty (30) days of notification by the City.
- I) Design standards. All Small WCF in the City shall comply with the requirements of the City *Small Wireless Communications Facility Design Manual*. A copy of such shall be kept on file at the City Office of Zoning, Stormwater, and Floodplain Management.
- J) Relocation or Removal of Facilities. Within ninety (90) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with the lawful exercise of its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
1. The construction, repair, maintenance or installation of any City or other public improvement in the right-of-way;
 2. The operations of the City or other governmental entity in the right-of-way;
 3. Vacation of a street or road or the release of a utility easement; or
 4. An emergency as determined by the City.
- K) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Small WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

- L) Insurance. Each Person that owns or operates a Small WCF shall provide the City Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Small WCF. Notwithstanding the foregoing, a wireless provider may self-insure the required insurance under the same terms and conditions as outlined above.

- M) Indemnification. Each Person that owns or operates a Small WCF shall, at its sole cost and expense, enter into an agreement to indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Small WCF. Each Person that owns or operates a Small WCF shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Small WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification except to the extent that such liabilities, damages or claims are a result of the gross negligence or willful misconduct of the City or any of its agents.

SECTION 18.

Amend to change the following section numbers as follows:

480.137 to 480.138

480.138	to	480.139
480.139	to	480.140
480.140	to	480.141
480.141	to	480.142
480.142	to	480.143
480.143	to	480.144

SECTION 19.

Amend Article XXXIII Chapter 480.144 Section B Subsection 2 to remove “sanitary authority” and replace with “bathroom with shower or tub, lavatory, water closet. Kitchen sink shall not be used as a substitute for lavatory sink.”

SECTION 20.

Amend Article XXXIII Supplemental Standards to add the following:

480.145 Dumpster Enclosures.

Dumpsters existing as of the effective date of this article and dumpsters constructed subsequent to the effective date of this article shall comply with the following:

- A. All dumpsters or outdoor storage areas that are visible from a public street or walkway shall be kept within opaque enclosures that meet all Building Code requirements. Dumpsters or outdoor storage areas located within the MSOD are required to follow the design standards set in Article XV 480.55.
- B. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents.

480.146 Visibility at Intersections.

A. On a corner lot in any district a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:

- 1. Seventy-five (75) feet from the point of intersection of the center lines if intersecting streets are twenty (20) feet or more in width; or
- 2. If one or both streets are less than twenty (20) feet in width, a clear sight triangle of fifty (50) feet must be maintained.

480.147 Junkyards.

Within the (I) Zone, junkyards are permitted by special exception.

A. Standards.

1. Minimum Lot Area. Ten (10) acres.
2. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8)-foot high sight-tight (visibly screened) fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially-zoned properties.
3. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
4. All wholly-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.
5. No material may be stored or stacked so that it is visible from adjoining properties and roads.
6. All additional Federal and State laws shall be satisfied.
7. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
8. No oil, grease, tires, gasoline or other similar material shall be burned at any time.
9. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.

480.148 Sanitary Landfills and Transfer Stations.

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PADEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America.

Operators of sanitary landfills shall file, with the City of Pittston, written proof that they have met all permit requirements of the State and/or Federal Government as they may apply to a specific development.

A. Local requirements which must be met prior to permit approval by the Board of Supervisors include:

1. A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
2. A barrier of natural forestry at a width of one hundred (100) feet and an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall

parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.

3. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way.

4. A bond to protect City roads utilized by land fill traffic shall be negotiated prior to approval.

5. The operator shall submit to the City of Pittston for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land.

6. All such proposed uses shall be on a lot of no less than twenty-five (25) acres. No landfill activities may exceed a height of forty (40) feet above existing grade, defined as average grade prior to any development activities.

B. Transfer stations are permitted as an accessory use with a sanitary landfill.

SECTION 21.

Amend to add the following Articles:

ARTICLE XXXIV: Manufactured Homes and Manufactured Home Parks

480.149 Manufactured Homes.

A. Applicability.

All Manufactured Homes and use shall comply with the standards in this chapter.

B. Standards.

1. No Manufactured Home shall be installed unless a permit is first obtained.
2. No Manufactured Home shall be installed unless so installed on masonry or poured concrete footers.
3. Each Manufactured Home must have skirting around the entire perimeter of the dwelling.
4. Each mobile must meet respective zoning district setback requirements.

480.150 Manufactured Home Parks.

Manufactured Home Parks are permitted by Special Exception in the R3 Zoning District.

A. Standards.

1. A Manufactured Home Park or Subdivision shall contain a minimum of eight (8) acres.

2. Maximum density in a Manufactured Home Park and Subdivision shall be ten (10) units per acre.
3. Regardless of lot size, the side yard distances measured from the outside of each Manufactured Home to the lot line shall not be less than twenty (20) feet in total and no one side yard distance less than eight (8) feet. Front and rear yards shall not be less than twenty (20) feet and, in no case, shall the distance between any two Manufactured Homes be less than twenty (20) feet.
4. All streets, roads, and driveways in a Manufactured Home Park or Subdivision shall be paved with an all-weather surface approved by the City Engineer at least twenty (20) feet wide.
5. Each Manufactured Home in a Manufactured Home park must have at least one paved parking space sufficient in size for at least one automobile. The spaces may be provided in a common parking area within the Manufactured Home Park-not necessarily individual spaces on individual lots.
6. Each parking space in a Manufactured Home Park or Subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

ARTICLE XXXV: PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL VEHICLES

480.151 Definitions.

Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers, and like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

480.152 Recreational Equipment Storage

A. Residential Districts Standards.

No major recreational equipment shall be parked or stored on any lot in R1, R2, or R3 except in a carport or enclosed building or in a rear yard. Such equipment may be parked anywhere on residential premises for up to twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

B. Commercial Districts Standards.

No major recreational equipment shall be parked or stored on any lot in the CB or NC district except in a carport or enclosed building or in a rear yard. No such equipment shall be used for

living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

480.153 Parking and Storage of Certain Vehicles

A. Unregistered Vehicle Standards.

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any property other than in completely enclosed buildings, except those on those premises where such a storage is absolutely necessary to the operation of a business such as that of an automotive dealer.

B. Residential Districts Standards.

Any vehicle not customarily associated with resident travel, such as tractor trailer trucks, may not be parked on property located in the R1, R2 or R3 Districts other than in completely enclosed buildings.

C. Commercial and Industrial Vehicle Standards.

Parking and storage of commercial or construction type vehicles shall be permitted only in the I District. Parking such vehicles in the NC, CB, R1, R2, and R3 Districts will be allowed temporarily for the purposes of loading and unloading

SECTION 22. SEVERABILITY.

If any portion of this ordinance is found to be invalid by a court of law, the remaining provisions shall remain in full force and effect.

SECTION 23. CONFLICT.

Anywhere this Ordinance conflicts with any other ordinance, the provisions of this Ordinance shall supersede. But nothing in this Ordinance shall prevent the enforcement of any other ordinance in the Pittston City Code as set forth in the Code.

ORDAINED and ENACTED by the City Council of the City of Pittston at a Regular Meeting held October 21, 2020:

ATTEST:

APPROVED:

Joseph Moskovitz, City Administrator

Michael A. Lombardo, Mayor