

ORDINANCE NO. 03 OF 2023

AN ORDINANCE OF THE TOWNSHIP OF HAMILTONBAN, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE HAMILTONBAN TOWNSHIP ZONING ORDINANCE

BE IT ENACTED, ADOPTED, AND ORDAINED by the Township of Hamiltonban, Adams County, Pennsylvania, by the Hamiltonban Township Board of Supervisors, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

SECTION 1: TEXT AMENDMENT

Section 375-5 shall be amended by adding the following definition.

RECREATION

The refreshment of body and mind through active and/or passive forms of play, amusement, or relaxation.

CEMETERY

Land used for the interment of the dead. Includes mausoleums and columbariums, as well as administrative and maintenance buildings, but excludes funeral homes, mortuaries, and crematories.

CEMETERY – PRIVATE:

A cemetery operated by a private property owner, and intended to provide interment space solely for the family of the owner of the property.

CEMETERY, PUBLIC

A cemetery operated by a for-profit organization, a non-profit organization, a place of worship, or comparable organization, and intended to provide interment space for the public at large or for persons associated with the organization.

INTERMENT

The placement of a body, or remains (including from creation) thereof, in a grave or tomb.

INTERMENT SPACE

A portion of a cemetery designated and maintained for the interment of a human body or bodies or remains (including from cremation) thereof.

RECREATIONAL CABIN

A building used solely for personal recreation purposes and not as either a residence or a commercial establishment for any length of time.

RECREATIONAL VEHICLE

A vehicle unit primarily designed for temporary living quarters for recreational, camping, or travel use, and which has its own motive power or is mounted on or drawn by another vehicle.

RV HOSTING

The placement of a recreational vehicle on a driveway or similar surface associated with the principal use of a property, where such space is provided by the property owner to guests as temporary lodging for compensation.

SHOOTING RANGE

A specialized facility, venue, or field designed specifically for use of firearms and / or archery.

SHOTFALL ZONE

The area of a Shooting Range where fired bullets or arrows fall to the earth and where development, other than trap or skeet houses or the equivalent facilities for other type of shooting events, and human occupancy, other than operators, is prohibited during active shooting.

TENT HOSTING

The placement of a tent or comparable temporary structure on the yard associated with the principal use of a property, where such space is provided by the property owner to guests as temporary lodging for compensation.

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 col-location. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

VAULT

A lined and sealed outer receptacle that houses the body or remains, whether in a casket or otherwise, at an interment space in a cemetery.

SECTION 2: TEXT AMENDMENT

Section 375-5 shall be amended by revising the following definitions to read as follows.

CAMPGROUND

A commercial facility that provides for a space or spaces for cabins, recreational vehicles, motor home, tents, or other similar types of shelter to the general public and intended for use in a temporary, seasonal manner. This use shall specifically exclude RV Hosting and Tent Hosting uses.

CO-LOCATION

Generally, the placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless communication towers, water towers, utility poles, or any other building or structure not classified as a wireless communication tower that can support the placement or installation of wireless telecommunications facilities. With regard to small wireless facilities specifically, the installation, mounting, maintaining, modification, or replacing of small wireless facilities on an existing utility pole or other wireless support structure.

DWELLING

Any building used by one family for human living quarters and occupancy in accordance with the Uniform Construction Code, but not including hotels, motels, boardinghouses, tourist cabins, recreational cabins, or any other accommodations used for transient occupancy.

RIGHT-OF-WAY

Generally, a public or private area, usually configured as a narrow strip of land, that allows for the passage of people, goods, or services. Includes public or private passageways such as roads, bike paths, pedestrian walkways, railroads, utilities, electricity and fuel transmission, and similar features. With regard to small wireless facilities specifically, the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a Federal interstate highway.

SMALL WIRELESS FACILITY

The equipment and network components, including antennas, transmitters, and receivers, used by a wireless provider, and that meet the following qualifications.

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

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

WIRELESS COMMUNICATIONS ANTENNA

Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunication services.

WIRELESS COMMUNICATIONS FACILITY

Includes the following:

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

SECTION 3: TEXT AMENDMENT

Section 375-11.A shall be amended by adding the following.

- (12) Recreational Cabin, in accordance with Section 375-80.DDD.

SECTION 4: TEXT AMENDMENT

Section 375-11.B shall be amended by adding the following.

- (10) RV Hosting, in accordance with § 375-80.BBB.

- (11) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.
- (12) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW
- (13) Tent Hosting, in accordance with § 375-80.CCC.
- (14) Private Cemetery, as an accessory use to a Single-Family Detached Dwelling or a Farm, in accordance with Sections 375-80.EEE(1) and 375-80.EEE(3).

SECTION 5: TEXT AMENDMENT

Section 375-11.C shall be amended by deleting Subsections (3) and (4) and renumbering Subsection (5) as Subsection (3).

SECTION 6: TEXT AMENDMENT

Section 375-11.C shall be amended by adding the following.

- (4) Outdoor Shooting Range, in accordance with Section 375-80.AAA.

SECTION 7: TEXT AMENDMENT

Section 375-14.A shall be amended by adding the following.

- (9) Accessory Dwelling Units, in accordance with §375-80.B.
- (10) Estate Lots, in accordance with §375-80.O.
- (11) Recreational Cabin, in accordance with Section 375-80.DDD.

SECTION 8: TEXT AMENDMENT

Section 375-14.B shall be amended by adding the following.

- (10) RV Hosting, in accordance with § 375-80.BBB.
- (11) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.
- (12) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW
- (13) Tent Hosting, in accordance with § 375-80.CCC.

(14) Private Cemetery, as an accessory use to a Single-Family Detached Dwelling or a Farm, in accordance with Sections 375-80.EEE(1) and 375-80.EEE(3).

SECTION 9: TEXT AMENDMENT

Section 375-14.C shall be amended by deleting Subsections (1), (3), (8), and (9) and renumbering Subsections (2), Subsections (4) through (6), and Subsection (10) as Subsections (1) through (6).

SECTION 10: TEXT AMENDMENT

Section 375-14.C shall be amended by adding the following.

(7) Outdoor Shooting Range, in accordance with Section 375-80.AAA.

SECTION 11: TEXT AMENDMENT

Section 375-18.A shall be amended by adding the following.

(7) Recreational Cabin, in accordance with Section 375-80.DDD.

SECTION 12: TEXT AMENDMENT

Section 375-18.B shall be amended by adding the following.

(9) RV Hosting, in accordance with § 375-80.BBB.

(10) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(11) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

(12) Tent Hosting, in accordance with § 375-80.CCC.

SECTION 13: TEXT AMENDMENT

Section 375-18.C shall be amended by deleting Subsection (4) and (5) and renumbering Subsection (6) as Subsection (4).

SECTION 14: TEXT AMENDMENT

Section 375-21.A shall be amended by removing Subsection (4) and by renumbering Subsections (5) through (10) as Subsections (4) through (9).

SECTION 15: TEXT AMENDMENT

Section 375-21.A shall be amended by adding the following.

- (10) Accessory Dwelling Units, in accordance with §375-80.B.
- (11) Recreational Cabin, in accordance with Section 375-80.DDD.

SECTION 16: TEXT AMENDMENT

Section 375-21.B shall be amended by adding the following.

- (10) RV Hosting, in accordance with § 375-80.BBB.
- (11) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.
- (12) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW
- (13) Tent Hosting, in accordance with § 375-80.CCC.
- (14) Private Cemetery, as an accessory use to a Single-Family Detached Dwelling or a Farm, in accordance with Sections 375-80.EEE(1) and 375-80.EEE(3).

SECTION 17: TEXT AMENDMENT

Section 375-21.C shall be amended by deleting Subsections (1), (9), and (10) and renumbering Subsections (2) through (8) and Subsection (11) and (12) as Subsections (1) through (9).

SECTION 18: TEXT AMENDMENT

Section 375-21.C shall be amended by adding the following.

- (10) Outdoor Shooting Range, in accordance with Section 375-80.AAA.
- (11) Public Cemetery, as a Principal Use or as an Accessory Use to a Place of Worship, in accordance with Sections 375-80.EEE(1) and 375-80.EEE(2).

SECTION 19: TEXT AMENDMENT

Section 375-25.B shall be amended by adding the following.

- (9) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(10) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

SECTION 20: TEXT AMENDMENT

Section 375-25.C shall be amended by deleting Subsections (3) and (4) and renumbering Subsections (5) as Subsection (3).

SECTION 21: TEXT AMENDMENT

Section 375-28.B shall be amended by adding the following.

(8) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(9) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

SECTION 22: TEXT AMENDMENT

Section 375-28.C shall be amended by deleting Subsections (6) and (7) and renumbering Subsections (8) as Subsection (6).

SECTION 23: TEXT AMENDMENT

Section 375-32.B shall be amended by adding the following.

(8) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(9) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

SECTION 24: TEXT AMENDMENT

Section 375-32.C shall be amended by deleting Subsections (4) and (5) and renumbering Subsection (6) as Subsection (4).

SECTION 25: TEXT AMENDMENT

Section 375-36.B shall be amended by adding the following.

(8) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(9) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

SECTION 26: TEXT AMENDMENT

Section 375-36.C shall be amended by deleting Subsections (6) and (7) and renumbering Subsection (8) and (9) as Subsections (6) and (7).

SECTION 27: TEXT AMENDMENT

Section 375-40.A shall be amended by adding the following.

(22) Convenience Stores, in accordance with §375-80.L.

SECTION 28: TEXT AMENDMENT

Section 375-40.B shall be amended by adding the following.

(5) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(6) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

SECTION 29: TEXT AMENDMENT

Section 375-40.C shall be amended by deleting Subsections (6), (14), and (15) and renumbering Subsections (7) through (13) and Subsection (16) and (17) as Subsections (6) through (14).

SECTION 30: TEXT AMENDMENT

Section 375-44.A shall be amended by adding the following.

(6) Distribution Center, in accordance with §375-80.M.

(7) Heavy Industrial Uses, in accordance with §375-80.X.

SECTION 31: TEXT AMENDMENT

Section 375-44.B shall be amended by adding the following.

(4) Small Wireless Facility, Co-Location, inside public right-of-way, either as a stand-alone facility or as part of a DAS, in accordance with Section 375-80.UU.

(5) Small Wireless Facility, Tower-Based, inside public right-of-way, either as a stand-alone facility or as a part of a DAS, in accordance with Section 375-80.WW

SECTION 32: TEXT AMENDMENT

Section 375-44.C shall be amended by deleting Subsections (1), (2), (10), and (11) and renumbering Subsections (3) through (9) and Subsection (12) and (13) as Subsections (1) through (9).

SECTION 33: TEXT AMENDMENT

Section 375-80.H.(10) shall be amended to read as follows.

(10) The campground shall include an on-site office staffed with a person or persons responsible for operation of the campground. In lieu of a staffed office, for campgrounds with only one tent or RV site, the campground shall provide to the Township a primary contact telephone number, operational 24 hours a day, 7 days a week, for the person responsible for the campground and able to respond to the site within 30 minutes.

SECTION 34: TEXT AMENDMENT

Section 375-80.UU shall be amended to read as follows.

UU. Small Wireless Facilities – Co-location – Inside Public Right-of-Way.

1. Location: An applicant may co-locate one (1) or more small wireless facilities on existing poles, including but not limited to, telephone utility poles, electric utility poles, and light poles.

2. Siting Requirements: Co-location of small wireless facilities shall meet the following siting criteria:

a. The co-location of the small wireless facility and related equipment shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

b. The installation of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.

c. An applicant shall self-certify that the small wireless facility at the subject location is needed by the wireless provider to provide additional capacity or coverage for wireless services. The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.

3. Fees: Subject to the fee adjustment requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the Township may charge an annual fee for the use of Township right-of-way. An annual right-of-way fee shall not exceed \$270 per small wireless facility unless the Township demonstrate all of the following.

- a. The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.
- b. The Township costs under Section 375-80.UU.3.a are reasonable.
- c. The annual right-of-way fee is nondiscriminatory.

4 Zoning Permit Submission, Review, and Approval: The timing requirements of Article XXII of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.

a. Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the Township must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.

b. Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the Township fails to approve or deny the Zoning Permit application within sixty (60) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the Township fails to approve issue or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approval unless there is a public safety reason for the delay.

c. Denial: Denial of a Zoning Permit application shall comply with the following.

(1) Cause for Denial: The Township may deny a Zoning Permit application 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 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

(b) The small wireless facility fails to comply with applicable codes.

(c) The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

(2) Documentation of Denial: Within the time frame established in Section 375-80.UU.4.b, the Township shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.

(3) Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the Township and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (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 section of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

5. Consolidated Application: An applicant seeking co-location shall be allowed, at the applicant's discretion, to file a consolidated application of multiple small wireless facilities as follows.

a. The consolidated application shall not exceed twenty (20) small wireless facilities.

b. 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.

c. A single applicant may not submit more than one (1) consolidated or twenty (20) single applications in a thirty (30) day period. If the Township receives more than one (1) consolidated application or twenty (20) single applications within a forty-five (45) day period, the submission, review, and approval deadline of Section 375.80.UU.4.b shall be extended fifteen (15) days to allow the Township to complete its review.

d. Tolling: A Zoning Permit application tolled under Section 375-80.UU.5.c shall count toward the total number of applications included in a consolidated application unless the application is withdrawn by the applicant. As the processing of applications is completed, the Township shall begin processing previously tolled applications in the order in which the tolled applications were submitted, unless the applicant specifies a different order.

6 Permit Term: Approval of the Zoning Permit authorizes the applicant to operate and maintain small wireless facilities and any associated equipment for a period of not less than five (5) years, which shall be renewed for two additional five (5) year periods if the applicant is in compliance with the criteria set forth in this Ordinance and the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

7. Removal: Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the small wireless facility and any associated equipment.

a. Within sixty (60) days of suspension or revocation of a Zoning Permit due to noncompliance with this Ordinance and/or the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the applicant shall remove the small wireless facility, and any associated equipment.

b. Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the small wireless facility and any associated equipment.

SECTION 35: TEXT AMENDMENT

Section 375.80.VV shall be amended by renumbering Subsections (1) through (6) as Subsections (2) through (7).

SECTION 36: TEXT AMENDMENT

Section 375-80,VV shall be amended by adding the following as Subsection (1).

(1) Applicability: The following standards are applicable to the co-location of wireless facilities outside of public right-of-way, but excluding the provision of small wireless facilities located in an interior structure or on the site of a campus, stadium, or athletic facility not owned or controlled by the Township. In accordance with the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, such co-location projects involving small wireless facilities shall not be subject to Township zoning review and permitting.

SECTION 37: TEXT AMENDMENT

Section 375-80.WW shall be amended to read as follows.

WW. Small Wireless Communication Facilities – Tower-Based – Inside Public Right-of-Way.

1. Location: An applicant may locate one (1) or more utility poles, or replace one (1) or more existing utility poles, upon which small wireless facilities will be mounted.
2. Siting Requirements: New or replacement of existing utility poles for mounting of small wireless facilities shall meet the following siting criteria:
 - a. The new or replacement utility pole, along with the small wireless facilities to be mounted of such poles, and related equipment, shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.
 - b. The maximum permitted height of a new or replacement utility pole shall be fifty (50) feet above ground level, which shall include the utility pole and the small wireless facility.
 - c. The applicant shall demonstrate that it cannot meet the service reliability and functional objectives for the site by co-locating on an existing utility pole instead of installing a new utility pole or replacing a utility pole. The applicant shall self-certify that the applicant has made this determination in good faith, and shall provide a documented summary of the basis for the determination. The applicant's determination shall be based on whether the applicant can meet the service objectives at the subject location by co-locating on an existing utility pole that meets the following.
 - (1) The applicant has the right to co-location.
 - (2) The co-location is technically feasible and would not impose substantial additional cost.
 - (3) The co-location would not obstruct or hinder travel or have a negative impact on public safety.
 - (4) The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.
3. Fees: Subject to the fee adjustment requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the Township may charge an annual fee for the use of Township right-of-way. An annual right-of-way fee shall not exceed \$270 per new utility pole and/or replacement utility pole upon which is mounted small wireless facilities unless the Township demonstrate all of the following.

- a. The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.
- b. The Township costs under Section 375-80.WW.3.a are reasonable.
- c. The annual right-of-way fee is nondiscriminatory.

4. Zoning Permit Submission, Review, and Approval: The timing requirements of Article XXII of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.

a. Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the Township must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.

b. Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and deemed approved if the Township fails to approve or deny the Zoning Permit application within ninety (90) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the Township fails to approve issue or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approval unless there is a public safety reason for the delay.

c. Denial: Denial of a Zoning Permit application shall comply with the following.

(1) Cause for Denial: The Township may deny a Zoning Permit application 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 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

(b) The small wireless facility fails to comply with applicable codes.

(c) The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

(2) Documentation of Denial: Within the time frame established in Section 375-88.WW.4.b, the Township shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.

(3) Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the Township and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (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 section of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

5. Permit Term: Approval of the Zoning Permit authorizes the applicant to operate and maintain small wireless facilities and any associated equipment for a period of not less than five (5) years, which shall be renewed for two additional five (5) year periods if the applicant is in compliance with the criteria set forth in this Ordinance and the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

6. Removal: New utility poles and replacement utility poles upon which are mounted small wireless facilities are subject to the following removal requirements.

a. Within sixty (60) days of suspension or revocation of a Zoning Permit due to noncompliance with this Ordinance and/or the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

b. Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

SECTION 38: TEXT AMENDMENT

Section 375-80 shall be amended by adding the following.

AAA. Outdoor Shooting Range

- (1) An Outdoor Shooting Range may be operated as either a principal use or an accessory use. When operated as an accessory use, the Outdoor Shooting Range must have a logical relationship to the principal use of the property, as demonstrated by the applicant. Examples of principal uses to which an Outdoor Shooting Range may be considered to be accessory include, but are not necessarily limited to, hunting clubs, retail uses featuring sales of firearms and related merchandise, and governmental uses.
- (2) An Outdoor Shooting Range may be operated as either a commercial or as a non-profit operation. An Outdoor Shooting Range may be used by the general public, or may be limited to private use by members or guests of the entity establishing the Outdoor Shooting Range.
- (3) Minimum Lot Area: Twenty-five (25) acres.
- (4) Setbacks: An Outdoor Shooting Range shall be subject to minimum setbacks along all adjoining street rights-of-way and property lines. No improvements associated with an Outdoor Shooting Range may be located within the setback. This limitation shall include parking and loading areas, utility facilities, and the range itself along with any associated buildings and structures. A single access drive and stormwater management facilities shall not be subject to the setback. The setback shall be the following size.
 - (a) Two hundred (200) feet where the property adjoins property improved with a residence, school, or place of worship, or property located within a zoning district that permits residential use.
 - (b) One hundred (100) feet where the property adjoins property improved with any use other than a residence, school, or place of worship, or property located within a zoning district that does not permit residential use.
- (5) Earthen Berm: An Outdoor Shooting Range shall be provided with an earthen berm, where applicable, in accordance with the following standards.
 - (a) Applicability: An earthen berm shall be provided for all Outdoor Shooting Ranges developed as a rifle or pistol range. An earthen berm shall not be required for Outdoor Shooting Ranges involving sporting clays or archery.
 - (b) Location: Where required, the earthen berm shall be located within twenty (20) feet of the furthest target.
 - (c) Design: The earthen berm shall be designed in accordance with the following.

[1] All berms shall have a slope of not less than one vertical foot to one horizontal foot.

[2] The crest of all berms shall be a minimum of four (4) feet in depth as measured between the wall of the berm facing the range and the opposite wall.

[3] The backstop or impact berm must extend a minimum of twenty (20) feet vertically above the ground level and have a minimum vertical height separation of fifteen (15) feet above the highest target and the top of the backstop berm.

[4] Earthen side berms must be provided immediately adjacent to the range and shall extend from immediately behind the firing line to the backstop berm. The side berms shall extend a minimum of twelve (12) feet vertically above ground level.

[5] The elevation of the firing line and the base of all berms shall be the same.

(6) Range Design: The overall design of the Outdoor Shooting Range shall be consistent with the Range Development Manual of the National Rifle Association (NRA) or comparable design reference. The applicant shall identify the range development manual or design guide relied upon when designing the Outdoor Shooting Range.

(7) The Outdoor Shooting Range shall be free of gravel and other hard surface materials.

(8) The shotfall zone shall be designed in accordance with the following standards.

(a) The shotfall zone shall minimize safety risks to persons and property in residential, place of worship, and school use or properties zoned for residential, place of worship, and school use.

(b) Shooting directions associated with the shotfall zone shall not be into or over any water bodies or wetlands.

(c) The shotfall zone shall provide for the maximum containment of bullets or other projectiles on site, and shall include backstops, earthen berms, or other means to contain bullets and other projectiles within the site and to minimize ricocheting.

(d) An operations plan shall be provided for the shotfall zone to provide for lead reclamation for the site. The plan shall include, but not be limited to, hand raking and sifting, screening, vacuuming and soil washing, as well as landscaping (to include grass, mulch or compost and removal of scrub vegetation).

(9) Hours of operation for Outdoor Shooting Ranges shall be limited to daylight hours, Monday through Saturday, with no Sunday operations.

(10) Warning signs shall be posted a minimum of ten (10) feet from the outside of the berm, and shall be of sufficient size to be read outside the shotfall zone.

BBB. RV Hosting

(1) The operator of the RV Hosting site shall reside on the property.

(2) The RV Hosting site shall be located on a property with a minimum lot area of five (5) acres.

(3) The RV Hosting site shall be located at least fifty (50) feet from any side and rear property line, and at least one hundred (100) feet from any front property line.

(4) The RV Hosting site shall be limited to one (1) recreational vehicle.

(5) The RV Hosting site shall be provided with an improved pad for the recreational vehicle. The pad shall either be paved or be surfaced with crushed stone.

(6) Access to the RV Hosting site shall be provided by an existing driveway or by a new entrance permitted by Hamiltonban Township or by the Pennsylvania Department of Transportation, as appropriate. Access to the RV Hosting site shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way or within any private lane right-of-way subject to Section 320-30.S of the Hamiltonban Township Subdivision and Land Development Ordinance.

(7) Where an RV Hosting site is proposed on a property accessed by a private lane, the applicant shall improve the private lane in accordance with Section 320-30.S of the Hamiltonban Township Subdivision and Land Development Ordinance if such improvements are necessary to accommodate either the additional use of property or the size of the vehicles accessing the RV Hosting site.

(8) The RV Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the Hamiltonban Township Sewage Enforcement Officer that the existing septic system has adequate capacity for the RV Hosting use.

(9) If electric service is provided to the RV Hosting site, such electric connection shall be installed and inspected in accordance with applicable provisions of the Pennsylvania Uniform Construction Code, or similar applicable code.

(10) No ground fires shall be permitted. The RV Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.

(11) The RV Hosting site shall be the only form of Short-Term Rental on the property. The RV Hosting site shall not be permitted if any other form of Short-Term Rental is already permitted for the property.

(12) Off-street parking shall be provided in accordance with § 375-81.LLL. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.

(13) The operator of the RV Hosting site must demonstrate that the RV Hosting site is registered with the Adams County Treasurer's office in compliance with County Ordinance No. 3 of 2012 for the payment of hotel room rental tax, as may be reenacted or amended.

CCC. Tent Hosting

(1) The operator of the Tent Hosting site shall reside on the property.

(2) The Tent Hosting site shall be located on a property with a minimum lot area of five (5) acres.

(3) The Tent Hosting site shall be located at least fifty (50) feet from any side or rear property line, and at least one hundred (100) feet from any front property line.

(4) The Tent Hosting site shall be provided with a designated, fixed, and marked location for the tent. The tent site need not be improved with a tent pad or similar surfaced area.

(5) Access to the Tent Hosting site shall be provided by an existing driveway or by a new entrance permitted by Hamiltonban Township or by the Pennsylvania Department of Transportation, as appropriate. Access to the Tent Hosting site shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any public road right-of-way.

(6) The Tent Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the Hamiltonban Township Sewage Enforcement Officer that the existing septic system has adequate capacity for the Tent Hosting use.

(7) No ground fires shall be permitted. The Tent Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.

- (8) The Tent Hosting site shall be the only form of Short-Term Rental on the property. The Tent Hosting site shall not be permitted if any other form of Short-Term Rental is already permitted for the property.
- (9) Off-street parking shall be provided in accordance with § 375-81.MMM. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.
- (10) The operator of the Tent Hosting site must demonstrate that the Tent Hosting site is registered with the Adams County Treasurer's office in compliance with County Ordinance No. 3 of 2012 for the payment of hotel room rental tax, as may be reenacted or amended.

DDD. Recreational Cabins

- (1) Recreational Cabins may be permitted on a vacant property with no other established principal use.
- (2) The property shall be limited to one (1) Recreational Cabin.
- (3) The Recreational Cabin shall be subject to the same setback and related dimensional standards applicable to single-family detached dwellings within the underlying zoning district.
- (4) The Recreational Cabin shall be provided with an on-lot septic system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection, the Hamiltonban Township Sewage Enforcement Officer, and the Hamiltonban Township Sewage Management Program Ordinance.
- (5) The applicant shall apply for and receive a "UCC Recreational Cabin Affidavit" from the Township's Building Code Official as a condition of approval of the Zoning Permit.
- (6) No Recreational Cabin shall be permitted to be used or offered as a Short-Term Rental in accordance with applicable sections of this Ordinance.
- (7) The applicant shall record, at the Office of the Adams County Recorder of Deeds, and at the cost of the applicant, a memorandum, tied to the property and deed or record, indicating that the building is limited in use to that of Recreational Cabin and that use of the building as a dwelling, a short-term rental, or any other use is precluded.
- (8) Access to the Recreational Cabin shall be provided by an existing driveway or by a new entrance permitted by Hamiltonban Township or by the Pennsylvania Department of Transportation, as appropriate. Access to the Recreational Cabin shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way or within any private

lane right-of-way subject to the Hamiltonban Township Subdivision and Land Development Ordinance.

EEE. Cemetery.

(1) General. All cemeteries shall be subject to the following standards.

- (a) No interment space shall be located within one hundred (100) feet of a stream or within the Floodplain Overlay (FO) District of this Ordinance, whichever is larger.
- (b) No interment space shall be located within one hundred fifty (150) feet of a stream designated as a Exceptional Value (EV) or High Quality (HQ) waterway by the Pennsylvania Department of Environmental Protection, or within the Floodplain Overlay (FO) District of this Ordinance, whichever is larger,
- (c) No interment space shall be located within a wetland.
- (d) No interment space shall be located within a steep slope area as regulated by Section 375-78 of this Ordinance.
- (e) Wellhead Protection Area: No interment space shall be located within any wellhead protection area established by the Pennsylvania Department of Environmental Protection for public or community water supply wells.
- (f) All interment spaces shall be subject to the setback requirements of the underlying zoning district.
- (g) Separation Distances: All interment spaces shall be located a minimum of one hundred (100) feet from any private well, and one hundred (100) feet from any dwelling, or occupied structure on adjacent property.
- (h) All interments shall be within a vault.
- (i) All cemeteries shall comply with applicable Federal, State, and Local regulations regarding the operation and function of cemeteries.

(2) Standards for Public Cemeteries. Public Cemeteries shall be subject to the following standards, in addition to the General standards of Section 375-80.AAA(1).

- (a) Minimum Lot Size: Twenty (20) acres.
- (b) Access: An access plan shall be provided that achieves, at a minimum, the following.

[1] The access plan shall provide a minimum of two (2) points of access from public roads.

[2] Access drives within the Public Cemetery shall be sufficiently wide to allow for vehicle parking along the drives during interment ceremonies while, at the same time, allowing for other traffic to pass.

[3] Under no circumstances shall a Public Cemetery access plan allow for vehicle parking on or along public roads. All parking for regular visitors, caretakers, and interment ceremonies shall be accommodated on site and shall be a sufficient distance from the access points onto the adjacent roadways to allow for unimpeded access into the cemetery.

[4] The required number of parking spaces for the Public Cemetery can be met utilizing parallel parking along the access drives provided these areas are depicted within the Land Development Plan. Caretaker parking spaces shall be provided as conventional parking spaces at appropriate locations within the site.

(c) A Land Development Plan in accordance with applicable standards of the Hamiltonban Township Subdivision and Land Development Ordinance shall be required.

(d) A cemetery ownership and maintenance plan shall be prepared and submitted to the Township. The ownership and maintenance plan shall demonstrate the perpetual ownership arrangement for the Public Cemetery, shall confirm ongoing and perpetual maintenance of the site, and confirm that adequate financial resources are retained in a local financial institution to perform the ownership and maintenance responsibilities for the site.

(3) Standards for Private Cemeteries. Private Cemeteries shall be subject to the following standards in addition to the General standards of Section 375-80.EEE(1).

(a) Minimum Lot Size: Ten (10) acres.

(b) Interments shall be limited to the immediately family members of the property owner.

(c) Access: Access to the Private Cemetery shall be provided by existing driveways. In no case will a Private Cemetery be permitted that relies upon a new driveway from a public road, private road, or private lane to provide access to the Private Cemetery site.

(d) Maintenance of the Private Cemetery shall be the sole and perpetual responsibility of the property owner. The Township will not be involved in maintenance of the site at any time.

(e) No Private Cemetery may be provided with any form of site illumination.

(f) No signs, with the exception of one sign at the Private Cemetery location to identify the presence of the Private Cemetery, may be erected in association with a Private Cemetery. The one permitted sign at the Private Cemetery site shall not be illuminated, and shall be a maximum of four (4) square feet in size.

(g) A fence meeting the requirements of Section 375-69 shall be erected around the perimeter of the Private Cemetery. In lieu of a fence, other means of identifying the perimeter of the Private Cemetery may be employed. Such alternative means may include, but are not necessarily limited to stone or brick walls and stone or brick corner posts,

SECTION 39: TEXT AMENDMENT

Section 375-80.B(9) shall be amended to read as follows.

The applicant shall record, at the applicant's expense, a memorandum indicating that the occupancy of the ADU shall be limited to permitted occupants as stated in §375-5, that the ADU shall not be rented to persons who are not related to the occupants of the principal dwelling, that a detached ADU shall be removed when it is no longer used by persons related to the occupants of the principal dwelling or converted to a nonresidential accessory use in accordance with the underlying Zoning District within 180 days.

SECTION 40: TEXT AMENDMENT

Section 375-81 shall be amended by adding the following.

LLL. RV Hosting: One (1).

MMM. Tent Hosting: One (1).

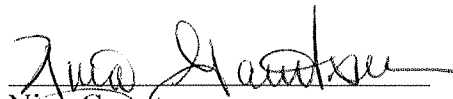
NNN. Public Cemetery: Three (3) for every one (1) acre of the property devoted to interment spaces, inclusive of open space between interment spaces and interior access drives.

SECTION 41: EFFECTIVE DATE

This Ordinance shall be effective on and as of August 1, 2023.

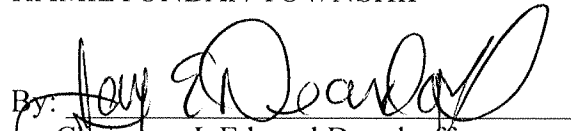
ENACTED AND ORDAINED into an Ordinance this 1ST day of August, 2023.


ATTEST:



Nina Garretson
Secretary/Treasurer


(SEAL)


BOARD OF SUPERVISORS
HAMILTONBAN TOWNSHIP

By: 
Chairman J. Edward Deardorff

By: 
Vice-chairman Douglas J. Woerner

By: 
Supervisor Robert L. Gordon

By: 
Supervisor Ryan Picarelli

By: 
Supervisor Coleen N. Reamer