

**BENTON TOWNSHIP**  
LACKAWANNA COUNTY, PENNSYLVANIA

**ORDINANCE NO. 1-2001**

AN ORDINANCE PROVIDING FOR THE REGULATION OF COMMERCIAL COMMUNICATION DEVICES, INCLUDING BUT NOT LIMITED TO, CELLULAR PHONE ANTENNAE, ANTENNAE FOR COMMUNICATION SERVICE REGULATED BY THE PA PUBLIC UTILITY COMMISSION, AND OTHER COMMERCIAL ANTENNAE AND ASSOCIATED FACILITIES, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Township of Benton, Lackawanna County, Pennsylvania, under the authority granted by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), reenacted and amended July 10, 1947 (P.L. 1481, No 567), as amended; and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1 -- SHORT TITLE**

This Ordinance shall be known and may be cited as *THE COMMERCIAL COMMUNICATION DEVICE REGULATION ORDINANCE OF BENTON TOWNSHIP*.

**SECTION 2 -- PURPOSE**

The purpose of this Ordinance is to protect the general safety and welfare of the citizens of Benton Township and to:

- A. Accommodate the need for communication devices while regulating their siting and number in the Township in recognition of the need to protect the public safety and welfare.
- B. Minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- C. Avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- D. Encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

**SECTION 3 -- DEFINITIONS**

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

Commercial Communication Device - Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following which are not appropriate subject of the zoning ordinance:

1. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
2. Military and government radar antennas and associated communication towers used for navigational