

**TOWNSHIP OF WEST DEPTFORD ORDINANCE 2014-08
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST
DEPTFORD, CHAPTER 166, ZONING, IN ACCORDANCE WITH THE PLANNING
BOARD'S RECOMMENDATIONS**

WHEREAS, Chapter 166, Zoning, of the Township Code governs zoning and land use issues in the Township of West Deptford; and

WHEREAS, the Township Planning Board has recommended certain clarifications, amendments, and supplements to Chapter 166 as being in the best interests of the Township and zoning control; and

WHEREAS, the Township Committee is authorized to amend a zoning ordinance pursuant to N.J.S.A. 40:55D-62, and has determined that it is in the best interest of the health, safety and welfare of the residents of the Township of West Deptford to amend and revise those regulations.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Deptford, as follows:

Section 1: Chapter 166 of the Code of the Township of West Deptford is hereby amended and supplemented by adding the underlined text and deleting the struck-out text, as follows:

§ 166-6. Definitions and Word usage.

A. Word usage. The word "used" shall include the words "arranged", "designed" or "intended to be used". The word "building" shall include the word "structure". Whenever a term is used which is defined in ~~P.L. 1975, c.291~~ N.J.S.A. 40:55D-1 et. seq. such term is intended to have the meaning as defined in NJSA 40:55D-1 et. seq., unless specified to the contrary in this chapter. Any word or item not defined in N.J.S.A. 40:55D-1 is intended to have such meaning in common usage.

B. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated:

Accessory Structure – A structure subordinate to the main building on a lot and used for purposes customarily incidental and subordinate to those of the main building. Such structures include, but are not limited to private detached garages, carports, storage sheds, pool houses, pole barns, hot tubs and/or spas, and gazebos.

Accessory Use - A use subordinate to the main use of land or of a building on a lot and customarily incidental thereto.

Antenna – A system of electrical conductors that transmit and/or receive signals for wireless communications.

Banner – A graphic or sign that has its letters or design applied to cloth, canvas or other flexible material.

Buffer – A landscaped strip of land used to visually and or acoustically insulate the subject site from its surroundings. Buffers also serve to shield or block noise, lights or other nuisances.

Change in use – Any use not substantially the same as the previous use of a building or land.

Common open space- An area within or related to a site designated and intended for the use or enjoyment of residents.

Concept plan – An informal presentation and attendant documentation of a proposed subdivision or site plan which is without legal standing but which is intended to allow the applicant to receive suggestions from the Planning Board Work Committee.

Fence – An artificially constructed barrier erected to enclose or screen.

Impervious coverage – The area of all portions of the lot which are covered by impervious surfaces. Impervious surfaces are any material which prevents the absorption of stormwater.

Lot – A parcel of land on which a main building and with any accessory buildings are or may be placed, together with the required open spaces. The area of a "lot" which abuts a street shall be measured to the street line only.

Medical marijuana alternative treatment center - means an organization approved by the State of New Jersey to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of the Compassionate Use Medical Marijuana Act (N.J.S.A. 24:61-3).

Motor Vehicle Service Station – Includes any commercial dispensing of gasoline or motor vehicle fuel of any kind, whether or not such sale shall constitute the principal source of revenue of the dispenser, and may include minor repairs, but not major repairs such as body work or engine overhaul.

Telephone Central Office – A building and its equipment erected and used for the purposes of facilitating transmission and exchange of telephone or radio-telephone messages between subscribers, and other business of the Telephone Company; but in Residence Districts, not to include public business facilities, storage of materials, trucking or repair facilities, or housing of repair crews.

§ 166-14 R-1, R-2, R-3 and R-6. Residence Districts

B. Area Regulations

(5) Additions to nonconforming structures [Added 4-4-85 by Ord. No. 85-4]

(a) Any existing lot located in Zones R-1, R-2, R-3, R-6 on which a building

or structure is located, which lot does not meet the minimum lot size or has a building or structure which violates any yard regulation and is existing, may add an addition that is an authorized building or use, in accordance with the Code of the Township of West Deptford, which will be in addition to the principal building and/or ~~wants to put~~ an accessory building which use and/or which addition would be allowed in accordance with the requirements of the Township of West Deptford but which the only violation would be that the original does not meet the front yard, side yard or back rear yard requirements, may be allowed to build the addition or accessory building without an appeal to the Zoning Board of Adjustment, and the Zoning Officer is hereby authorized to certify that the new building and/or new accessory use is not a new violation but an extension of the existing nonconforming use in the Township of West Deptford.

(c)

The area where the addition or accessory use is to be placed, whether it shall be side yard, back rear yard, will not create a new nonconforming use or violation but is an extension of the existing nonconforming use. Total permitted land coverage may not be exceeded.

§ 166-15. Multiple Family Residence Districts

D. Required utilities, recreation areas and special design requirements:

(1)

Sewer and Water. No application for a permit for an apartment building or multiple-family or townhouse project shall be considered unless such building or project can be served by the Township sewer and water system. The installation of public water, sewerage and drainage facilities shall be in accordance with the specifications of Township Engineer and appropriate governmental authorities. Such improvements shall be made at the sole expense of the developer. All townhouse units to be sold in single

ownership or in condominium ownership shall each have individual water and sewer service lines and shall have individual meters.

(10) Storage Space. A minimum of three hundred (300) cubic feet of fire-resistant storage space for such items as bicycles, tires, personal belongings and items of dead storage shall be provided for each dwelling unit.

§ 166-16 PO Professional Office Districts

C. Area and height requirements for professional office buildings. All professional office buildings permitted herein shall comply with the following requirements:

- (1) Minimum lot area: one (1) acre.
- (2) Minimum lot width and frontage: one hundred (100) feet.
- (3) Front yard depth: fifty (50) feet.
- (4) Side yards, each: twenty (20) feet.
- (5) Rear yards: fifty (50) feet.
- (6) Lot coverage, maximum:
- (a) Buildings: ~~twenty-five percent (25%)~~-thirty-five percent (35%) of lot areas.

§ 166-16A Neighborhood Professional Office Districts

D. Area and height requirement for professional office buildings. All professional office buildings permitted herein shall comply with the following requirements:

(7) Heights. Two (2) stories, but not to exceed ~~twenty-four (24)~~ thirty-five (35) feet, above the mean final grade level surrounding the building.

§ 166-19 Use Regulations

B. C Commercial Districts. In C Commercial Districts, a building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

(3) A hotel, ~~tourist rooming or boardinghouse.~~

(11) A physician, dentist, surgeon or other licensed practitioner of the healing arts for humans; offices of an attorney, accountant, architect, or engineer. Further subject to the parking requirements associated with the Professional Office Zone.

(+)-(12) The following uses when authorized as a conditional use subject to the general standards prescribed in §§ 166-43 and 166-32 hereof.

- (a) A place of amusement, recreation or assembly, other than an outdoor theater. For purposes of this subsection, place of amusement includes, without limitation, arcades where automatic or mechanical amusement devices [as defined in § 166-19B(13) below], are one (1) of the principal businesses of an establishment or in which such machines exceed two (2) in number. [Amended 4-21-83 by Ord. No. 83-7]
- (b) A public garage, car-washing establishment or used car sales agency or lot, leasing agency for trailers, trucks and vans or machine shop.
- (c) A research laboratory or similar experimental, testing or scientific establishment, involving no danger from fire or explosion and

involving no commercial production or storage of any commodity, except for storage necessary for scientific research.

(12)-(13) Any use of the same general character as any of the above permitted uses subject to the conditions and procedural requirements which apply to the permitted use, provided that no use which is noxious or hazardous shall be permitted except in accordance with § 166-32.

(13)-(14) An accessory use on the same lot with and customarily incidental to any of the above permitted uses. Automatic or mechanical amusement devices may be located on the premises of any permitted commercial establishment as an accessory use, provided that the maximum number of such devices does not exceed two (2). For purposes of this subsection, "automatic or mechanical amusement device" shall mean any machine which upon the insertion of coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, including but not limited to such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated; it shall include video-type games or machines or similar devices that use a display screen for points, lines or dots of light that can be manipulated to simulate games or other types of entertainment; it shall not include, nor shall this subsection apply to, music-playing devices. [Amended 4-21-83 by Ord. No. 83-7]

(14)(15) Signs shall also be permitted as an accessory use when erected and maintained in accordance with the provisions of § 166-44 et seq. hereof. [Added 4-21-83 by Ord. No. 83-7]

§ 166-20 Area Regulations

B. Building and lot coverage. Not more than ~~forty percent (40%)~~ ~~fifty percent (50%)~~ of the lot area shall be occupied by buildings, and a total of not more than ~~sixty percent (60%)~~ ~~seventy five percent (75%)~~ of the lot area shall be occupied by buildings, parking areas, driveways, sidewalks and other paved or impervious surfaces.

§ 166-25 Design and area requirements

E. Not more than ~~twenty percent (20%)~~ ~~fifty percent (50%)~~ of the lot area shall be occupied by buildings and a total of not more than ~~seventy percent (70%)~~ ~~seventy-five percent (75%)~~ of the lot area shall be occupied by buildings parking areas, driveways, sidewalks and other paved or impervious surfaces.

I. Along each side or rear property line which adjoins a Residence District, a buffer planting strip shall be provided on which shall be placed shrubbery, trees or other suitable plantings sufficient to constitute an effective screen. Along each street line bounding the district, a ~~twenty-foot (20)~~ ~~twenty-five foot (25)~~ buffer area, suitably landscaped, shall be provided. A bond or other guaranty shall be furnished to assure maintenance of the required landscaping for a period of two (2) years.

§ 166-28 Area Regulations

B. Building and lot coverage

(1) M-1 and M-2 Manufacturing Districts. Not more than fifty percent (50%) of the lot area shall be occupied by buildings, and a total of not more than seventy percent (70%) of the lot area shall be occupied by buildings, parking areas, driveways, sidewalks and other paved or impervious surfaces.

§ 166-33 Off Street Parking

A. [Amended 7-6-89 by Ord. No. 89-14] Parking space requirements. Not less than one (1) off street parking space, with proper access from a street or alley, shall be provided on any lot on which a single family detached dwelling is hereafter erected, except that in Residence District R-1 and Residence District R-6 not less than two (2) off street parking spaces shall be provided, and the following types of uses shall provide off street parking space as indicated, which parking space shall have proper access from a street or alley and shall be located on or near the lot on which such use is situated.

(2) Hotel, motel or tourist home bed and breakfast; one (1) space for each rental room or suite.

§ 166-36 Yard exceptions

A. A maximum of two (2) accessory structures are permitted per lot in the R-1, R-2, R-3, R-5 and R-6 districts, of which one structure may not exceed six hundred (600) square feet and twenty (20) feet fifteen (15) feet in height measured from the ground to the roof peak and one (1) structure that may not exceed four hundred (400) square feet and twelve (12) feet in height measured from the ground to the roof peak. No accessory structure may be located in a buffer, easement or drainage way.

E. Fencing—All fencing in residential zones shall be installed with the finish side of the fence facing adjacent properties. A fence, no higher than four (4) feet, may be located in a front yard set back, and may not be solid. No fence shall be erected of barbed wire, chicken wire, topped with metal spikes or constructed in a manner which may be dangerous to persons or animals. No fence shall be erected or altered so it exceeds six (6) feet in height.

F. F. Pools, decking and pool filtration equipment shall be set back at a minimum of six (6) feet from any property line and graded not to increase storm water run off on adjacent properties.

F. G. No accessory building or use may be located on a parcel not containing a principal use.

G. H. The use of cargo containers and trailers as an accessory use is prohibited.

H. I. Accessory structures may not have water or sewer service.

§ 166-39 Conversion of dwelling to two or three family use

The Planning Board may authorize as a conditional use the conversion of any dwelling or building existing at the effective date of this chapter into a dwelling for not more than three families, subject to submission of a site plan and to the following requirements:

A. The lot area per family and yards shall not be reduced to less than the requirements of the district in which located.

B. No structural alteration of the building exterior shall be made except as may be necessary for purposes of sanitation or safety.

C. Such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a single family dwelling or other conforming use.

D. The Planning Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.

§ 166-40- § 166-39. Access to public street.

§ 166-41- § 166-40. Cluster developments.

§ 166-42. § 166-41. Trailer and mobile home use restriction

B. No trailer or trailer type facility used or intended to be used for non-dwelling purposes shall be occupied on any tract of ground within the township, except as hereinafter provided:

(2) Trailers may be permitted as a temporary business office in districts where business offices are permitted during construction of a permanent office facility or as a sales or leasing office on a buildable lot during construction of a residential development. Such trailers shall comply with accessory use zoning requirements of the district in which authorization has been granted to locate the permanent primary structure. Such trailers shall be removed prior to making application for a certificate of occupancy issued by the Zoning Administrative Officer Construction Code Official.

Furthermore, for any conditional use permitted by this Ordinance, application shall be made for "conditional use" approval as well as required site plan and/or subdivision approval as may be necessary. The review of a conditional use shall include any required site plan and subdivision review pursuant to Ordinance.

Where a conditional use application involves a site plan or subdivision, notice of hearing shall include reference to all matters being heard, and the approving authority shall review and approve or deny the site plan or subdivision plan simultaneously with the conditional use application.

In addition to the above standards for review, the following specific use review standards and conditions shall be applied:

(1) "Medical marijuana alternative treatment center" or "alternative treatment center" means an organization approved by the State of New Jersey to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of the Compassionate Use Medical Marijuana Act (N.J.S.A. 24:61-3).

(a) Specifically prohibited in all Zoning Districts with the exception of M-2 where Alternative Treatment Centers is a conditionally permitted use.

(b) Minimum distance from school and daycare facilities whether public and private: 1,000 linear feet measured lot line to lot line.

(c) Minimum distance from Houses of Worship: 1,000 linear feet measured lot line to lot line.

(d) Minimum distance from residential zones (R-1,R-2,R-3,R-4,R-5,R-6): 1,000 linear feet measured lot line to lot line.

(e) Maximum hours of operation: 8:00 A.M. to 7:00 P.M.

(f) Prescriptions may be filled by appointments and in office only. Drive thru facilities are not permitted.

(g) The reviewing board shall be satisfied that the off tract circulation, and access to and from the site are adequate.

(h) The minimum lot width at the building line shall be 100 feet and the minimum lot size shall be 20,000 square feet. Minimum rear and side yard setbacks shall be 30 feet. Minimum front yard setback shall be 50 feet. 25 feet of which shall be appropriately landscaped and buffered.

(i) No building shall exceed two (2) stories in height. Not more than fifty percent (50%) of the lot area shall be occupied by buildings, parking areas, driveways, sidewalks and other paved or impervious areas.

(j) Off-street parking schedule: Off street parking shall be provided in accordance with Chapter 166-33 of the West Deptford Zoning Code.

(k) An Alternative Treatment Center Site Management Plan is required and shall address at a minimum vehicle traffic control, and methods and designs to prevent loitering and promote public safety.

(l) Signage shall be permitted and regulated as a business sign in accordance with Chapter 166-44.

§ 166-44. § 166-43. Signs

§ 166-45. § 166-44. Enforcement.

§ 166-46. § 166-45. Permits

B. Issuance of permits. Permits shall be granted or refused denied within ten

(10) days after the written application has been filed with the Zoning Administrative Officer, except where the application involves a conditional use, a variance or approval action by an agency of the Township or other governmental authority. Upon completion of the erection or alteration of any building or portion thereof, authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Administrative Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Administrative Officer has issued a certificate of occupancy approval indicating that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.

§ 166-47. § 166-46. Fees.

§ 166-48. § 166-47. Time limitations on permits.

§ 166-49. § 166-48. Site plan and building review.

§ 166-50. § 166-49. Provision of low- and moderate-income housing units.

§ 166-51. § 166-50. Growth Share Regulations

A. Applicability

(4) Nonresidential development. Except as exempted in Section 166-51B, all nonresidential development, and all nonresidential development in the ~~M-4 Residential Manufacturing Districts~~ that result in an increase in gross floor area of any existing nonresidential structure or the construction of a new nonresidential structure in accordance with NJAC 5:94-1, et. seq., shall be subject to the "growth share" provisions of this section.

§ 166-52. Affordable housing development fees.

ARTICLE X

Wireless Communication Facility

§ 166-52. Purpose and Goals

The purpose of this article is to provide sound land use policies and establish guidelines for the siting of wireless telecommunications towers and antennas and ancillary facilities.

A. To protect residential areas and land uses from potential adverse impacts of towers and antennas:

B. To encourage the location of towers on municipally owned property where appropriate or in other nonresidential areas:

C. To encourage the location on existing buildings, telecommunication towers and water towers as opposed to construction of new telecommunications towers:

D. To encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal:

E. To ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the community by encouraging developers of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting and landscape screening, and

F. To secure the removal of towers once they become obsolete or unused for an extended period of time.

§ 166-53 Design of new facilities; locational priority

Entities seeking approval of new personal wireless telecommunications facilities shall, in addition to their compliance with existing legal and regulatory requirements, show that the planned facilities also comply with the following objectives:

A. To the extent that is practical, use of existing facilities inside the Township and its immediate vicinity.

B. If such usable facilities exist, then also to the extent that it is practical, use of facilities that are owned by the Township.

C. If usable existing facilities do not exist, then to the extent that is practical, use of property owned by the Township.

D. Improvement of opportunities for co-location, by either:

(1) Co-locating on an existing facility, or

(2) Constructing and designing new facilities so as to maximize the opportunity of co-location for additional providers.

E. Compliance with the co-location policy presented in § 166-55 Co-location policy (both as a new provider before approval and as an existing provider after approval)

F. If a new tower is on lands not owned by the Township of West Deptford, then they shall be permitted in the M-2 Heavy Manufacturing Zone.

§ 166-54 Co-location policy

A. Co-location goals

(1) To the extent possible, each provider shall make its existing facilities available and will design and make all future structures available for use by other providers in accordance with the policies set forth in this section.

B. Limiting principle: The Township recognizes that a lessee may grant no more rights than it has under a lease. The co-location policies under this section are always subject to the basic limiting principle.

C. Equal Access:

(1) Space on existing and proposed facility structures shall be made available to other providers in accordance with the process described below.

(2) Request for co-location shall be considered in a timely manner.

(3) No reciprocal agreements (i.e. quid pro quo access to another structure owned by the party requesting co-location) shall be required to make an applicant eligible for co-location.

(4) To facilitate initial and future co-locations, master agreements are

encouraged.

(5) The primary provider on a proposed facility structure shall attempt to ensure that the lease allows for co-location by proposing and advocating lease agreement language that permits subleasing. Where the lessor does not permit subleasing, the provider agrees to be supportive of potential users in their attempts to work with the lessor.

(6) Notice of construction of new structures shall be provided in accordance with Site Plan Review Regulations.

E. Design of tower structures

(1) Tower structures shall be load designed to allow sufficient room for cables, antennas and equipment of future co-locations and to support the anticipated weight and wind load of their future additional facilities. Space for ground level maintenance, equipment shelters, and switching facilities shall be reserved for future co-locators to the extent practical.

(2) The tower structure shall be designed to allow antenna attachment and independent maintenance at various heights.

(3) In general, tower structure shall be designed so as to be easily expandable to a height of 180 feet above ground level.

(4) Relocation of existing antennas on a tower structure to accommodate a new co-locator is permitted if the new location(s) meet the existing co-locator's needs and the cost of the relocation is borne by the new co-locator. The relocation plans and schedules must be coordinated with the tower structure owner and in compliance with the lease agreement.

(5) If any modifications (such as lease, structure, ground space) are required for an existing structure, the provider shall attempt, at the time such modification is made, to make the site and structure suitable for co-location, both within the existing lease and otherwise.

F. Access and utilities.

(1) Each co-locator shall be responsible for obtaining and maintaining its respective required electric and telephone utility services independently. The facility structure owner or the first provider to use the facility shall inform the telephone and electrical companies, at the time of its utility installation, of the fact that the site may be occupied by other users in the future. Co-locator shall have:

(a) A nonexclusive right of access for ingress and egress, seven days a week, 24 hours a day, for the installation and maintenance of utility wires, poles, cables, conduits and pipes either over the ground or underground, extending from the most appropriate public right of way to the tower structure area; and

(b) Access privileges to the facility area for all authorized personnel of co-locators for the maintenance and operation of their respective facilities.

G. Co-location procedures.

(1) Application. When a provider has identified a need for service in an area where there is an existing or proposed facility structure, the provider (the new provider in the sequel) may contact the user of an existing facility (the existing provider in the sequence) and request key information, such as the exact location, geographical coordinates, height and available ground space within the structure lease area. Contact information of existing providers shall be maintained by the Township. If the new provider decides to pursue co-location on the structure, a formal application that contains information about the new provider's radio frequency requirements, antenna specifications, equipment shelter dimensions, height of antennas and other relevant parameters shall be provided to the facility owner and the existing provider. The application shall be reviewed by the facility owner and the existing provider for any potential radio frequency interference issues, facility structural effects, utility concerns, security or access issues, space availability, and lease terms and regulatory compliance.

(2) Approval. The application shall be approved if there are no significant service disruptions or service-affecting interference with existing signals, site operations, lease terms, regulatory conditions, or structural integrity of the facility. It is recognized that existing site restrictions and technical incompatibility may not always permit co-location. Should a structural analysis prove that the facility structure would not hold the additional antennas and equipment requested, the new provider may investigate with the facility owner and the existing provider the possibility, feasibility, and cost of modifying the facility structure or increasing the height up to 180 feet, and relocating all existing users as necessary to accommodate the new provider's needs, as well as the existing facilities and possible future co-locators. If the new provider is able to pursue such reconstruction and/or relocation of antennas, and these activities are feasible, the existing provider will allow them, provided such actions do not cause significant service disruptions or long term service causing interference with existing signals and do not cause significant interference with site operations, lease terms, regulatory conditions, or future needs to the existing provider. Unless otherwise negotiated and modified, the existing provider and the owners of the facility would retain all rights previously held, including, but not limited to, those regarding facility ownership. Reasons for any denial of co-location requests shall be provided to the applicant by the facility structure owner in writing.

(3) Contract and site development. Once the facility owners and the existing provider approve the co-location application, a co-location package shall be supplied to the applicant by the owner, including site plans and facility drawings. Concurrently, a license, sublease or other appropriate agreement shall be prepared, reviewed and executed by the parties.

Once an agreement for the specific site has been executed, site development and design shall be coordinated between the facility owner and the applicant. Right of way access shall be provided in accordance with the agreement. The new provider shall also contract with a design firm to prepare site plans and construction drawings, as required, and prepare the application for all required regulatory site plan approvals. When the new provider has secured permits, a preconstruction meeting will be scheduled to ensure that all guidelines are followed in the planning and construction process, with emphasis on safety and security. Once construction is completed, access privileges to the secured lease area shall be provided for all authorized personnel of the users of the facility for maintenance and operation in accordance with the agreement.

(4) Application period: emergency services; compliance with law. Applications to co-locate will continue to be accepted by the facility owner for as long as support structure space and underground space are still available. If sufficient ground space is not available, the existing provider agrees to be supportive of potential users in their attempts to negotiate with the lessor. Applications will be accepted on a first come, first served basis until the support structure can no longer hold additional facilities without compromising the service of existing co-locators or the structural integrity of the facility structure. Co-location opportunities may be offered to emergency service providers free of facility rental charges; using the procedures outlined in this section. All providers must operate in compliance with all applicable local, state and federal laws, rules and regulations.

§ 166-55 Usage reporting and facility dismantling

A. In an effort to minimize the negative impacts of personal wireless facilities, providers shall adhere to the following policy regarding facility erection and construction, facility dismantling, and usage reporting.

(1) If the entity requesting the erection of an antenna tower or similar facility (the applicant) is not a provider, then no facility may be constructed unless there exists a signed agreement between the applicant and at least one provider for the immediate and continuous use of the facility by the provider.

(2) A report on usage of the facility by the provider and others shall be filed annually, on or before the first of May, with the Township Clerk indicating usage of the antenna site. The report shall include the names and addresses of providers and other who use the site. Suspensions of service and service discontinuances exceeding two weeks shall be reported as well.

(3) Should the facility not be used by any exclusive provider, or all providers at a given site for a period exceeding six months, the facility and all related systems and structures, including foundations, shall be dismantled at the applicant's expense. Dismantle shall be defined as the removal of any and all improvements. Said improvements shall be removed from the subject site and the affected property restored to its original condition and appearance within six months after being notified by the Township of the applicant's obligation to dismantle said site. Proper disposal of waste materials from the site shall be in accordance with local, county and state solid waste disposal regulations.

§ 166-56 Level of Service

A. A fundamental assumption of this article is that, if new personal wireless telecommunications facility in West Deptford were needed, then they would improve the level of service to customers where this level was inadequate without the proposed facilities. Currently, portions of the Township receive either inadequate or limited wireless service, and the Township's goal for the personal wireless telecommunications facility plan is to provide adequate service inside the Township while minimizing the negative effects of these facilities. Adequate service does not necessarily mean optimal service.

B. In evaluating the need for service, the providers shall rely upon two widely recognized parameters that help to define service levels. These are to be used uniformly by the providers in applications consisting of:

(1) Signal to interference ratio at audio. This parameter describes the ratio of power of the intended (desired) audio signal in the customer audio band (typically 30-3,400 hz) to the power level of interference from all other sources in the same frequency band. In personal wireless radio, interference is typically the result of other signals in the same (RF) frequency band present due to the practice of frequency re-use in other cells. If non-audio services are provided in addition to audio services, the signal to noise interference ratio at audio will be considered as the primary criterion (compared to signal to interference ratios in other bands). If only non-audio services are provided, determination of signal to interference ratio in other than the audio band shall be taken into consideration.

(2) Dropped call rate. This parameter represents the ratio of dropped calls to the total number of active calls in a service area. The dropped call rate is measured over a period of time. A dropped call is a previously active call, which was ended due to a non-availability of personal wireless services to customers in the service area. For purposes of this plan, non-availability in the service area refers to customers (and equipment that serves customers) who are physically present inside West DePford Township and is limited to services and equipment of the providers who service these customers.

Section 2: Effective Date

This ordinance shall take effect immediately upon passage?

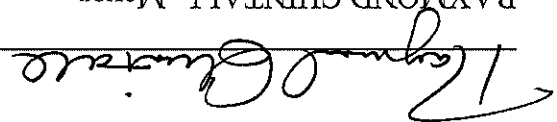
Section 3: Ordinance Provisions Repealed

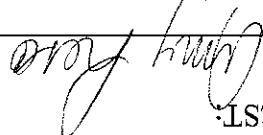
Any ordinance provisions inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 4: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

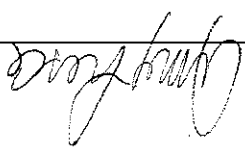
TOWNSHIP OF WEST DEPTFORD

By: 
RAYMOND CHINTALL, Mayor

ATTEST:

AMY LESO, RMC Township Clerk

CERTIFICATION

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 6th day of March, 2014 at a meeting of the Township Committee of the Township of West Deptford and will be taken up for final consideration and passage at a scheduled meeting of the Mayor and Township Committee of the Township of West Deptford to be held on the 3rd day of April, 2014 at 7:00 p.m. at the Municipal Building, 400 Crown Point Road, Thorofare, New Jersey.



AMY LESO, RMC, Township Clerk