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WEST WYOMING ORDINANCE NUMBER 1997-1

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING REQUIRING FENCES TO SURROUND HIGH STANDING STRUCTURES COMMONLY REFERRED TO AS TOWERS FOR HEALTH AND SAFETY AND PROTECTION OF THE RESIDENTS IN THE COMMUNITY; AUTHORIZING THE ADMINISTRATION AND ENFORCEMENT THEREOF; AND PRESCRIBING PENALTIES FOR VIOLATION.

The West Wyoming Borough Council hereby ordains:

§1. Purpose and Scope. It is the purpose and scope of this ordinance to provide regulations for fencing and restricting access to towers which are free standing structures minimally as high as a three story building and are used and/or constructed by businesses including, but not limited to the following types: telecommunications, utilities, storage, and any other uses. The towers pose a significant risk to the safety and well-being of the residents of the borough of West Wyoming and it is the desire of the borough council to ensure that access is restricted and prohibited to the public.

§2. Application. This ordinance shall apply:

1. To all businesses or private persons who erect or have erected structures on their properties that are commonly referred to as "towers."

§3. Exemptions. There are no exemptions.

§4. Definitions.

TOWER - a high structure that stands alone, at least as high as a three story building with access from the ground.

FENCE - An enclosure made of materials which will enclose the circumference of the tower so as to keep people out; the dimensions and materials of the fence to be prescribed by the designated engineers for the borough of West Wyoming and are annexed hereto and made a part hereof.

ORDINANCE ENFORCEMENT OFFICER - any person appointed by the borough of West Wyoming with responsibility to enforce municipal ordinances; or, any sworn member of the West Wyoming Police.

§5. Enforcement

All free standing towers are to be enclosed with a fence per minimum specifications attached hereto, promulgated by borough designated engineers within one hundred twenty days (120) day from the effective date of this ordinance. Towers not yet in existence must indicate plans on local building permits of compliance with this ordinance.

§6. Administration

The Borough of West Wyoming shall: have available in convenient form as in a unit the provisions of this ordinance and the recommended practices, rules, regulation and standards which have been adopted. A copy of the information sources shall be kept on file in the West Wyoming Borough office.

§7. Penalties

Any person, firm or corporation who shall violate any provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and in default of payment, a judgment will be secured and a secured lien placed against the property or properties of owner. Every day that a violation of the ordinance continues shall constitute a separate offense.

§8. Severability

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences clauses, sections or parts of this ordinance, to is hereby declared as the intent of the West Wyoming Borough Council that this ordinance would have been adopted had the unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

§9. Repealer

All ordinances or parts of this ordinance which are inconsistent herewith are hereby repealed.

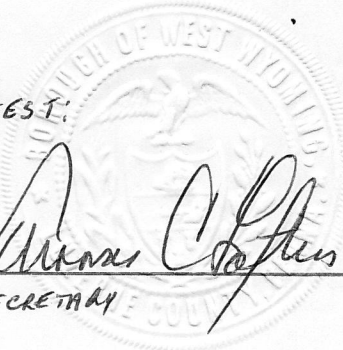
§10. Effective Date

This ordinance shall become effective on AUGUST 26, 1997

William Rehalles
MAYOR

John P. Piarowski
CHAIRMAN

ATTEST:
Annas Coates
SECRETARY



(Seal)