

**BOROUGH OF MILLERSBURG  
DAUPHIN COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 6-18**

**AN AMENDMENT TO THE MILLERSBURG BOROUGH ZONING ORDINANCE  
REGULATING THE PLACEMENT AND APPEARANCE OF CERTAIN UTILITY  
INSTALLATIONS AND TO FURTHER REGULATE YARD SALES AND THE SIZE OF  
COMMERCIAL SIGNS**

**WHEREAS**, the Millersburg Borough Council adopted Ordinance No. 2-16, commonly known as the Millersburg Borough Zoning Ordinance in August, 2016; and

**WHEREAS**, Ordinance No. 2-16 is a modified form-based code; and

**WHEREAS**, certain utility installations, commonly known as mini-cell towers are becoming common in communities similar to Millersburg; and

**WHEREAS**, the regulation of mini-cell towers is allowable under zoning regulations; and

**WHEREAS**, it is the opinion of the Millersburg Borough Council and the Millersburg Planning Commission that mini-cell towers could potentially benefit the residents of the Borough; and

**WHEREAS**, it is further the opinion of the Millersburg Borough Council and the Millersburg Planning Commission that mini-cell towers can and should be disguised or camouflaged in such a way as to be not be particularly intrusive; and

**WHEREAS**, there are no known health risks associated with mini-cell tower or other similar utilities; and

**WHEREAS**, the Borough Council and Planning Commission would further like to revise zoning regulations governing commercial signage, yard sales, ramps for handicapped accessibility and solar panels; and

**WHEREAS**, the Millersburg Borough Council held the necessary public hearing on this ordinance on December 12, 2018;

**THEREFORE BE IT ENACTED AND ORDAINED** that Ordinance No. 2-16 is hereby amended as follows:

1. Section 4:2:12 (A) is amended to read as follows: “Within any zoning district, an owner, occupant, or both, may conduct up to six (6) garage or yard sales per year”
2. Section 4:2:12 (F) is repealed.
3. The “OT Old Town” row, “Maximum Area of Signs” column of the table in Section 2:3:7 is amended to read as follows: “15% of the building face on which the signs are attached, but in no case exceeding a maximum total of 50 sf per building for all Wall Signs combined.”
4. Section 4:4 is amended to include the following definition: Mini-Cell Towers:

Mini Cell Tower: A wireless communication facility, excluding a satellite television dish antenna, established for the purpose of providing wireless voice, data and/or image transmission within a designated service area with one or more antennas attached to a support structure. This definition further includes any antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, support structures and any other equipment associated with such a device.

5. The following shall be a new Section with the number 4:2:35

**Mini Cell Tower Regulation**

- All utilities defined as a mini-cell tower shall require a zoning permit prior to installation.
- All utilities defined as a mini-cell tower shall be disguised or camouflaged in such a way as to be sufficiently unobtrusive to the satisfaction of the Borough.
- Any contractor shall, prior to installation of a mini-cell tower, submit an artist's rendition or similar conceptual drawing to the Zoning Officer.
- Within 60 days of the submission, the Borough Council shall review the conceptual drawing and hold a vote on the final approval or disapproval of the design. This approval is in addition to any other zoning permit reviews.
- The Borough Council may, at its discretion, seek an opinion from the Planning Commission regarding the conceptual drawings prior to the final vote.
- The contractor shall be notified in writing within five (5) days of the final decision of the Borough Council.
- The mini-cell towers that are installed shall not differ significantly in appearance from the conceptual drawing approved by the Borough Council.
- To the maximum extent possible, all mini-cell towers installed within the Borough should be the same or very similar design to other existing or proposed mini-cell towers.
- Mini-cell towers shall be designed and sited in such a manner as to minimize encroachment on private property or rights of way. Following such installations, the owner of the mini-cell tower shall restore any disturbed grass, vegetation, sod and paving.
- Mini-cell towers shall not be sited in such a way as to block sight triangles.
- Mini-cell towers shall not be sited directly in front of a building egress.
- Mini-cell towers shall not be sited within 15 feet of an underground utility.
- Mini-cell towers shall not exceed a height of greater than five feet higher than the allowable building height in any zoning district.
- All mini-cell towers that have been discontinued in use must be removed by the owners within 90 days of last usage. Upon the expiration the 90 day time period, the Borough may remove the mini-cell tower and assess the cost to the mini cell tower owner. Borough Council may grant an extension of time for the removal upon written request by the owner for the time extension.
- The Borough reserves the right to collect the maximum allowable annual fees permitted by Commonwealth and Federal law. Such fees are in addition to initial permitting fees.”

6. The following shall be a new Section with the number 4:2:36

**Handicapped accessibility**

All ramps, lifts and similar structures intended to provide handicapped access to buildings shall be permitted by right in all Zoning Districts, provided such structures comply with the most current regulations under the Americans with Disabilities Act and the Uniform Construction Code.

7. The following shall be a new Section with the number 4:2:37

**Solar Panels**

Solar Panels shall be permitted by right in all Zoning Districts, provided such structures comply with the most current regulations in the Uniform Construction Code.

8. **Repealer:** Any ordinance of the Borough that conflicts with this Ordinance is hereby repealed.

9. **Severability.** The provisions of this Ordinance are severable. Should any portion of this Ordinance be declared by a final order of court invalid, the remaining provisions shall be unaffected by such declaration and shall remain in force and effect.

ENACTED AND ORDAINED this 12th day of December, 2018.

MILLERSBURG BOROUGH

DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:

Ann Bowman Jackson  
Secretary

Clay C. Ditz  
President

Richard D. Alberson  
Mayor

SEAL