

**BOROUGH OF CARLISLE
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CARLISLE, CUMBERLAND COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF CHAPTER 255 OF THE CARLISLE BOROUGH CODE; PROVIDING FOR PURPOSES RELATED TO THE ADOPTION OF THE AMENDMENTS; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES, NON-TOWER WIRELESS COMMUNICATIONS FACILITIES, AND SMALL WIRELESS COMMUNICATIONS FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby ORDAINED by the Council of the Borough of Carlisle, Cumberland County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION I. Amendment to Section 255-199A(50), “Wireless communications facilities.”

Section 255-199A(50) of the Carlisle Borough Zoning Ordinance is hereby amended by adding the underlined text and deleting the ~~stricken~~ text as follows:

(50) Wireless communications facilities.

(a) Purpose. The purpose of § 255-199A(50) is to establish reliable standards for the construction, siting, design, permitting, maintenance, and use of wireless communication facilities in the Borough. While the Borough recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the visual impact of such facilities through the standards set forth in the following provisions.

(b) Definitions. The following words and phrases, when used in § 255-199A(50) or otherwise in Chapter 255 with respect to wireless communications facilities, shall have the meaning given as indicated below:

ACCESSORY EQUIPMENT

Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure, including but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets or other similar equipment.

ANTENNA

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities (defined below). An antenna shall not include private-residence-mounted satellite dishes or television antennae or amateur radio equipment, including, without limitation, ham or citizen band radio antennae.

BASE STATION

A unit functioning as a transmitter and receiver of broadcasting or other signals, as in connection with a mobile phone.

COLLOCATION

The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

~~The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Borough.~~

COMMERCIALLY REASONABLE

Terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a fifty-mile radius of the Borough.

DISTRIBUTED ANTENNA SYSTEMS (DAS)

Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

EMERGENCY

A condition that:

[1] Constitutes a clear and immediate danger to the health, welfare, or safety of the public;
or

[2] Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

EQUIPMENT COMPOUND

An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

MODIFICATION or MODIFY

The improvement, upgrade or expansion of existing wireless telecommunication facilities or improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MONOPOLE

A WCF or site which consists of a single-pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connect appurtenances.

NON-TOWER WIRELESS COMMUNICATIONS FACILITIES (NON-TOWER WCF)

Wireless communications facilities, including but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae ~~and related equipment~~.

REPLACEMENT

The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar, or less, in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

RIGHT-OF-WAY (ROW)

The surface of and space above and below any real property in the Borough in which the Borough has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Other municipal owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

SMALL WIRELESS COMMUNICATIONS FACILITY (SMALL WCF)

A wireless communications facility that meets the following criteria:

[1] The structure on which antenna facilities are mounted—

[a] is 50 feet or less in height, or

[b] is no more than 10 percent taller than other adjacent structures, or

[c] is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and

- [2] Each antenna associated with the deployment (excluding the accessory equipment) is no more than three cubic feet in volume; and
- [3] All accessory equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- [4] The facilities do not require antenna structure registration under 47 CFR Part 17;
- [5] The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- [6] The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

STEALTH TECHNOLOGY

State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structures or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

SUBSTANTIAL CHANGE or SUBSTANTIALLY CHANGE

- [1] Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas;
- [2] Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array shall not occur without municipal approval.

TOWER

A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF)

A tower and its supporting antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. DAS hub facilities are considered to be tower-based WCFs.

WIRELESS

Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF)

The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower, utility pole or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the Borough.

(c) Permitted uses for wireless communications facilities (WCF).

- [1] Tower-based wireless communications facilities (WCF) that do not meet the definition of a small wireless communications facility are permitted in the I-1 General Industrial District and in the I-2 Light Industrial District, ~~either in or~~ out of the right-of-way, upon conditional use approval and subject to the requirements of § 255-199A(50).
- [2] Non-tower wireless communications facilities (WCF) that do not meet the definition of a small wireless communications facility are permitted by right in the following zoning districts, out of the right-of-way, and rights-of-way therein subject to the requirements of § 255-199A(50): C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-C, UM and INS.
- [3] Non-tower wireless communications facilities, small wireless communications facilities, and tower-based wireless communications facilities shall not be located on a structure that is listed on the National Register of Historic Places, property designated by the Borough in an adopted plan as being historically significant, or in the HP Historic Preservation Overlay District.
- [4] Small wireless communications facilities that are collocated on an existing wireless support structure are permitted by right in all zoning districts subject to the issuance of a building permit by the Borough Building Codes Official and subject to the requirements of § 255-199A(50).
- [5] Small wireless communications facilities requiring the installation of a new utility pole or other wireless support structure are permitted by right in all zoning districts subject to the issuance of a building permit by the Borough Building Codes Official and subject to the requirements of §255-199A(50).

(d) Bulk and area requirements.

(e) Design, construction, and operations.

[1] All WCF shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable federal and state technical and safety codes.

[2] No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services.

[3] Collocation. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to collocate antennae on tower-based WCFs where technically and economically feasible.

[4] Signage. Tower-based WCFs and small WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Borough.

[5] Lighting. WCFs shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

[6] Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the Borough, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis.

[7] Access.

[a] An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCFs.

[b] Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

[c] Road construction shall at all times minimize ground disturbance and the cutting of vegetation.

[d] Road grades shall closely follow natural contours to ensure minimal visual disturbance and minimize soil erosion.

- [e] Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
 - [f] The easement shall be a minimum of 20 feet in width and the access road shall be paved to a width of at least 10 feet throughout its entire length.
 - [g] Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the site.
- [8] Fencing. A security fence with a minimum height of eight feet shall surround any tower-based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings.
- [9] Mounting. Any applicant proposing a non-tower WCF or small WCF to be mounted on a building, utility pole, or any other structure, shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the municipal building codes office and/or the Borough engineer for compliance with the building code.
- [10] Safety in rights-of-way.
- [a] Schedule of operations. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
 - [b] Emergency. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 - [i] The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way.
 - [ii] The operations of the Borough or other governmental entity in the right-of-way.

[iii] Vacation of a street or road or the release of a utility easement.

[iv] An emergency as determined by the Borough.

[c] Visual obstruction. All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, or in an area in which there are no curbs, within eight feet of the edge of the cartway.

[11] Inspections.

[a] A copy of any inspection report and certification of continued use, as required by national and state agencies, shall be provided to the Borough following the inspection. Any repairs advised by report shall be completed by the owner within 60 calendar days after the report is filed with the Borough.

[b] The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of § 255-199A(50) and any other provisions found within the municipal code or state, or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator and property owner, to ensure such compliance.

(f) Aesthetics, landscaping, and screening.

[1] Stealth technology. ~~The tower-based~~ All WCFs shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

[a] Tower-based WCFs shall employ stealth technology, and the tower shall be painted an appropriate color to harmonize with its surroundings.

[b] Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact.

[c] All utility buildings and accessory structures shall be designed to blend into the environment in which they are situated.

[2] Landscaping plan. A tower-based WCF located outside the right-of-way shall submit a landscape plan describing the following:

- [a] The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- [b] An evergreen screen shall be created by planting trees (a minimum of six feet tall at planting that will grow to a minimum of 15 feet tall at maturity) on ten-foot centers maximum.
- [c] Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.

[3] Small wireless communications facilities. All small wireless communications facilities in the Borough shall comply with the requirements of the Borough “*Small Wireless Communications Facility Design Manual*.” A copy of such shall be kept on file at the Borough Community Development Department.

(g) Replacement, collocation, or modification.

- [1] An application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the municipal building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that:
 - [a] The proposed collocation, modification or replacement may not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications facilities are to be attached.
 - [b] The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array; provided, however, that nothing herein shall preclude an applicant from further increasing the height of a wire support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if approved by the Borough through a conditional use.
 - [c] The proposed collocation, modification or replacement may not increase the dimensions of the equipment compound approved by the Borough.
 - [d] The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless

telecommunications facilities, equipment compound and wireless support structure.

[e] The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.

[2] Replacement of wireless communications facilities on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the Borough.

[3] Any substantial change to an existing ~~tower-based~~ WCF shall require conditional use approval by Borough Council.

(h) Permit requirements.

[1] An application for a new tower-based WCF or small WCF requiring the installation of a new utility pole or other wireless support structure shall not be approved unless the Borough finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be collocated on an existing or approved structure or building.

[2] Any application for approval of a new tower-based WCF or small WCF requiring the installation of a new utility pole or other wireless support structure shall include a comprehensive inventory of all existing towers and other suitable wireless support structures within a one-half-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

[3] Gap in coverage or capacity. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to the applicant in the area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity. The existence or nonexistence of a gap in wireless coverage or capacity shall be a factor in the Borough's decision on an application for approval of tower-based WCFs.

[4] The applicant shall demonstrate that the proposed WCF comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

[5] Notification.

[a] Upon receipt of an application for a tower-based WCF, the Borough shall mail notice thereof to the owner or owners of every residential property within 500 feet of the parcel or property of the proposed facility.

[b] Upon receipt of an application for a small WCF in the rights-of-way requiring the installation of a new utility pole or other wireless support structure, the Borough shall mail notice thereof to the owner or owners of every residential property within a 100-foot radius of the proposed facility.

[6] Review timeframe. Within 30 calendar days of the date that an application for a WCF that does not meet the definition of a small WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. Within 10 calendar days of the date that an application for a small WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application.

[a] All applications for new tower-based WCFs shall be acted upon within 150 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such new WCF, and the Borough shall advise the applicant in writing of its decision.

[b] All applications for small WCFs requiring the installation of a new utility pole or other wireless support structure shall be acted upon within 90 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such WCF, and the Borough shall advise the applicant in writing of its decision.

[c] All applications for modification or collocation of WCFs shall be acted upon within 60 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such modification or collocation WCF, and the Borough shall advise the applicant in writing of its decision.

[d] If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the review periods noted in Subsection A(50)(h)[6][a],[b] or [c] above.

[7] Retention of experts.

[a] The applicant or owner of a WCF that does not meet the definition of a small wireless communications facility seeking to obtain a permit to construct a new WCF or seeking to replace, modify or relocate an existing WCF shall deposit with the Borough the sum of a minimum of \$1,000, possibly more, to be held in a non-interest-earning escrow account by the Borough for purposes of covering the charges of professional consultants

utilized by the Borough to review, comment and make recommendations with respect to the application submitted. The Borough may hire any professional consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of approval and § 255-199A(50). The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's professional consultant(s) in providing expert evaluation and consultation in connection with these activities. In the event the escrow account becomes exhausted, the applicant or owner shall deposit additional funds into the escrow account in increments of \$1,000. Upon approval or issuance of the permit or approval of the application or plan, the Borough will return all remaining funds in the escrow account to the applicant or owner.

[b] The amount of the initial deposit and any additional funds required to be deposited as noted above may be modified from time to time by resolution of Borough Council.

[8] Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the Borough's actual reasonable cost to review and process the application. Zoning permits and building permits will be required as applicable. Such permit fees shall be established by the Borough Fee Schedule and shall comply with the applicable requirements of the FCC.

(i) Discontinuation, abandonment and removal.

[1] Nonconforming WCFs. Any nonconforming WCF which is hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of § 255-199A(50).

[2] Discontinuation. In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

[a] All unused or abandoned WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Borough.

[b] If the WCF and/or accessory facility is not removed within three months of the cessation of operations at the site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be

removed by the Borough and the cost of removal assessed against the owner of the WCF.

[c] Any unused portions of WCFs, including antennas, shall be removed within three months of the time of cessation of operations.

[3] Bonding. The facility owner or operator shall post and maintain funds for removal of all structures associated with the WCF in an amount of 110% of the identified removal costs, as adjusted over time.

[a] The removal funds shall be posted and maintained with the bonding company or federal or commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the commonwealth and is approved by the Borough.

[b] An independent and certified professional engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the Borough after the first year of operation and every five years thereafter.

[4] Reimbursement for ROW Use. In addition to permit fees as described in this section, every WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Small WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

[5] Indemnification. Each person that owns or operates a WCF shall, at its sole cost and expense, enter into an agreement to indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each person that owns or operates a WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay

judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

SECTION II. Miscellaneous

- A. Police powers. The Borough, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.
- B. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
- C. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Council of the Borough of Carlisle.

ENACTED AND ORDAINED this 10th day of December, 2020.

ATTEST:

CARLISLE BOROUGH COUNCIL:

Joyce E. Stone, Secretary

Timothy A. Scott, Mayor

(Borough Seal)