



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 100200**  
**(As Amended, 6/8/10)**

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**Introduced March 25, 2010**

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**Councilmembers Clarke, DiCicco and Kenney**

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**Referred to the  
Committee on Rules**

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**AN ORDINANCE**

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-231, entitled "Residential District Rules and Exceptions," by providing for restrictions on placement, installation and maintenance of certain satellite dishes and antennas, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 14 of The Philadelphia Code is amended to read as follows:

TITLE 14. ZONING AND PLANNING.

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CHAPTER 14-200. RESIDENTIAL DISTRICTS.

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§ 14-231. Residential District Rules and Exceptions.

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*(9) Satellite Dishes and Antennas.*

*a) Findings:*

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*Whereas, The City of Philadelphia was established by Charter of 1701, is considered the birthplace of American Independence, the American Revolution and a centerpiece of early American history; and*

*Whereas, Philadelphia boasts historical, cultural and architectural lineage longer than that of almost any other place in America, with many of its buildings dating from the early 20th Century or earlier; and*

*Whereas, Certain considerations should be made to preserve the character and appeal of this uniquely American city as modern technological advancements are integrated into the City's landscape; and*

*Whereas, The City of Philadelphia has a vested interest in protecting its neighborhoods from conditions that could substantially interfere with enhancing quality of life, fostering and facilitating commerce, maintaining and improving property values, and preserving and protecting the public's health, safety, and welfare; and*

*Whereas, The City of Philadelphia has an interest in ensuring the structural integrity and safety of building appurtenants, particularly those that extend into the public right-of-way; and*

*Whereas, The City of Philadelphia also recognizes the interest of its citizens in receiving and maintaining access to television, cable and satellite airwaves; and*

*Whereas, The Federal Communications Commission in 1996 adopted the Over-the-Air Reception Devices ("OTARD") rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals; and*

*Whereas, Since then, the OTARD rule has been interpreted by the FCC to allow the imposition of "reasonable" regulations on satellite dish and antenna placement under terms and conditions that don't impede signal access; and*

*Whereas, Particular attention needs to be given to tailoring measures that properly balance the interest of cable and satellite signal access and the City's interest in quality of life enhancement, historic preservation and public safety.*

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*(b) Where an alternative location is available for placement of a satellite dish or antenna, with no material reduction in signal reception and at no significant additional cost to the owner or tenant (including but not limited to a roof, rear yard or facade, or side yard or facade), no property owner shall place, install or maintain, or allow to be placed, installed or maintained, a satellite dish or antenna between the facade of a building and the street.*

*(c) No property owner shall place, install or maintain, or allow to be placed, installed or maintained, a satellite dish or antenna between the façade of a building and the street unless he or she has obtained a written statement, on a form to be provided by the Department, signed by the provider or installer of the satellite dish or antenna and by the owner or tenant who ordered the device, certifying that, based on actual testing conducted at the site, the satellite dish or antenna cannot be placed in a location other than between the façade of the building and the street without a material reduction in signal reception or significant additional cost.*

*(d) Any property owner who presently maintains a satellite dish or antenna between the façade of a building and the street shall promptly obtain the written certification described in section 14-231(9)(c) from the satellite dish provider, if the owner or tenant of the building at which the satellite dish or antenna is installed intends to continue to maintain the device at that location.*

*(e) The property owner or tenant shall keep the certification required by sections 14-231(9)(c) or (d) at the residence at which the satellite dish or antenna is maintained, and shall produce it upon request by an inspector from the Department.*

*(f) The property owner shall remove any satellite dish or antenna located between the facade of the building and the street when it is no longer in service.*

*(g) For purposes of the foregoing subsections (a) through (f), a satellite dish or antenna shall include:*

*(.1) A "dish" antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.*

*(.2) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.*

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*(.3) An antenna that is designed to receive local television broadcast signals.*

*(h) No property owner shall place, install or maintain, or allow to be placed installed or maintained, a satellite dish or antenna between the facade of a building and the street, where such dish or antenna is not covered by the definition set forth in the foregoing subsection (g).*

*(i) Any property owner who maintains or allows to be maintained a satellite dish or antenna between the façade of the building and the street, without the required certification, or is otherwise in violation of this Section 14-231(9), may be issued a Notice of Violation in accordance with Section 1-112 of this Code. For the first offense of placing or maintaining a dish or antenna on the front of the building without a certification, the Department shall issue a written warning. If the offense is not cured within 10 days thereafter, or the same violation is found at the same location after the warning, a Notice of Violation shall be issued.*

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**Explanation:**

*Italics indicate new matter added.*