



City of Philadelphia

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

BILL NO. 100200-A
(As Amended on Floor 6/17/2010)

Introduced March 25, 2010

Councilmembers Clarke, DiCicco and Kenney

**Referred to the
Committee on Rules**

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, 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 delay or 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 or tenant who installs his or her own satellite dish or antenna 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) Any property owner who presently maintains a satellite dish or antenna between the façade of a building and the street shall promptly notify the Department, in a form satisfactory to the Department, of the existence of the device, 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.

(d) The property owner or tenant, if his or her satellite dish or antenna was installed by a provider or installer, shall keep the certification required by section 9-631(3) of this Code at the residence at which the satellite dish or antenna is maintained, and shall produce it upon request by an inspector from the Department.

(e) For purposes of the foregoing subsections (a) through (d), and for purposes of § 9-631 of this Code, 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.

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

(f) 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 (e).

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SECTION 2. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-600. REGULATION OF SERVICE AND OTHER BUSINESSES

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§ 9-631. *Television Access Providers and Installers.*

(1) *Findings:*

The Findings set forth in Section 14-231(9)(a) of this Code are incorporated herein by reference.

(2) *Where an alternative location is available for placement of a satellite dish or antenna, with no material delay or 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 television access provider or installer shall place or install a satellite dish or antenna between the facade of a building and the street.*

(3) *If the television access provider or installer ascertains, at the time of installation, that a satellite dish or antenna cannot be placed in a location other than between the façade of a building and the street without a material delay, material reduction in signal reception or significant additional cost, the provider or installer shall provide the user of the device with a signed statement 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 delay, material reduction in signal reception or significant additional cost. A copy of the certification form shall be maintained at the office of the installer or provider.*

(4) *The television access provider or installer of a satellite dish or antenna shall remove the satellite dish or antenna located between the facade of the building and the street when it is no longer in service.*

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(5) No television access provider or installer shall place or install 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 § 14-231(9)(e) of this Code.

(6) A television access provider or installer who is found to be in violation of any of the provisions of this section may be assessed a penalty as provided in § 9-105.

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Explanation:

Italics indicate new matter added.

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