

Legislation Text

File #: 171012, Version: 0

Amending Chapter 9-300 of The Philadelphia Code, entitled "Communication," to provide authorization for and to establish requirements and fees associated with placement of communication antennas associated with mobile wireless services on poles and other structures in the public right-of-way; and to revise existing requirements; and amending Chapter 16-200 of the Code, entitled "Sales, Leases and Other Grants of City-owned Property and Facilities," to remove related provisions; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-300 of The Philadelphia Code is hereby amended as follows:

CHAPTER 9-300. COMMUNICATION.

§ 9-301. Poles.

* * *

[(5) Attachment. All persons, firms, or corporations now using or who may hereafter use or attach any telegraph or telephone wires or electrical conductors or fixtures to poles belonging in whole or in part to the City of Philadelphia shall pay to the City Treasurer the sum of one (1) dollar annually for each and every attachment made to each and every pole.]

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§ 9-306. *Communication Antenna Facilities.*

(1) *As used in this Section, "Communication Antenna Facilities" means small cell nodes, distributed antenna systems (DAS) and similar equipment deployed, along with associated infrastructure, for "personal wireless services," as that term is defined in 47 U.S.C. § 322(c)(7)(C), and "commercial mobile services," as that term is defined in 47 U.S.C. § 332(d).*

(2) *No person shall attach communication antenna facilities to a pole or any portion of a structure that is located in the public right-of-way or maintain an existing antenna on such a pole or portion of a structure, except pursuant to a permit issued by the Department of Licenses and Inspections.*

(3) *A permit to attach communication antenna facilities to a pole shall be issued by the Department upon:*

(a) *Completion of such application as required by the Department, in consultation with the Department of Streets, including the size and type of antenna and facilities to be attached, the location of the pole or portion of the structure, and such other information as may be required by the Department;*

(b) *Determination by the Department, in consultation with the Department of Streets, that the applicant's proposal meets any standards for placement of communication antenna facilities on poles or structures as may be established by the Department of Streets by regulation, which regulations may include requirements:*

(i) *regarding weight bearing loads, clearance requirements, aesthetic requirements and such other requirements as may be necessary for effective management of the right-of-way;*

(ii) *to remove or promptly repair an antenna determined by the Department to present a risk to health or safety;*

(iii) *to label the antenna in a clearly visible manner with identifying information;*

(iv) *to enter into an agreement with the Department with respect to maintenance, inspection and removal of communication antenna facilities;*

(v) *to provide information, on a regular basis, regarding all communication antenna facilities owned by the applicant located in the right-of-way; and*

(vi) *such other requirements as may be determined by the Department of Streets to be necessary for management of the permitting program.*

(c) *If communication antenna facilities are to be attached to a City-owned pole or structure, demonstration that the applicant has written authorization from the City for use of the pole or structure are issue.*

(d) *Payment of such application or permitting fee as may be established by the Department of Streets by regulation to recover the costs of Administration of the permitting program. Payment of such fee shall not be exclusive of any additional rent, fee or other amount the City may charge in connection with the use of its property for such purposes.*

(4) *In the event of any conflict between the provisions of this Section and the provisions of Chapter 11-700 of the Code ("Right-of-Way Management"), the provisions of this Section shall control.*

SECTION 2. Chapter 16-200 of The Philadelphia Code is hereby amended as follows:

CHAPTER 16-200. SALES, LEASES AND OTHER GRANTS OF CITY-OWNED PROPERTY AND FACILITIES.

* * *

§ 16-206. *Reserved.* [Poles.

(1) The Department of Public Property, or any other agency which controls any pole for communication or other electrical transmission purposes, may grant permission to any person having authority under special ordinance to string or maintain any communication or electrical transmission wires, and to attach wires or fixtures to any such pole.

(2) The annual charge for each attachment is \$1.]

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SECTION 3. Effective date: This Ordinance shall be effective upon adoption of implementing regulations by the Department of Streets.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.