



Legislation Details (With Text)

**File #:** 2020-0484    **Version:** 2  
**Type:** Ordinance    **Status:** Passed Finally  
**File created:** 6/26/2020    **In control:** Committee on Public Works  
**On agenda:** 6/30/2020    **Final action:** 7/21/2020  
**Enactment date:** 7/21/2020    **Enactment #:** 23  
**Effective date:** 7/22/2020

**Title:** Ordinance amending Title Four: Public Places and Property, Article II: Telecommunications, Chapter 427: Telecommunications Systems in the Right-of-Way, Sections 427.03 Definitions and 427.11 Consideration For ROW Use Agreement; to provide for updated definitions and fee structures for wireless small cell facilities.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2020-0484 Cover Ltr Telcom small cell ordinance Code Change Letter, 2. Summary 2020-0484

| Date      | Ver. | Action By          | Action                               | Result |
|-----------|------|--------------------|--------------------------------------|--------|
| 7/22/2020 | 2    | Mayor              | Signed by the Mayor                  |        |
| 7/21/2020 | 2    | City Council       | Passed Finally                       | Pass   |
| 7/15/2020 | 2    | Standing Committee | AMENDED BY SUBSTITUTE                | Pass   |
| 7/15/2020 | 1    | Standing Committee | Affirmatively Recommended as Amended | Pass   |
| 7/14/2020 | 1    | City Council       | RECOMMENDED                          | Pass   |
| 7/8/2020  | 1    | Standing Committee | Affirmatively Recommended            | Pass   |
| 6/30/2020 | 1    | City Council       | Read and referred                    |        |

Ordinance amending Title Four: Public Places and Property, Article II: Telecommunications, Chapter 427: Telecommunications Systems in the Right-of-Way, Sections 427.03 Definitions and 427.11 Consideration For ROW Use Agreement; to provide for updated definitions and fee structures for wireless small cell facilities.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** Title Four: Public Places and Property, Article II: Telecommunications, Chapter 427: Telecommunications Systems in the Right-of-Way, Section 427.03(a)(27) shall be amended as follows:

(27) SMALL CELL FACILITY. -- **A wireless communications facility that meets the following criteria:**

- (1) **The structure on which antenna facilities shall be mounted must comply with aesthetic guidelines adopted by the City of Pittsburgh Commission on Art and Public Space, subject to applicable law;**
- (2) **All wireless equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.**

- (3) **The facilities do not require antenna structure registration under 47 CFR Part 17;**  
(4) **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).**

[A personal wireless services facility that meets both of the following qualifications:]

- ([i]5) Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and  
([ii]6) [(ii)] Primary equipment enclosures **may not exceed the volume established by uniform construction standards adopted by the Department of Mobility and Infrastructure**[are no larger than seventeen (17) cubic feet in volume]. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, [ground-based enclosures,] battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

**Section 2.** Title Four: Public Places and Property, Article II: Telecommunications, Chapter 427: Telecommunications Systems in the Right-of-Way, Section 427.11(b) shall be amended as follows:

(b) Any telecommunications system, **except for Small Cell Facilities**, that serves customers within the City shall pay annually, five (5) percent of the annual total local gross revenues derived from the customers. **ROW Use Agreement fees for Small Cell Facilities shall be separately set by the City's Director of the Department of Mobility and Infrastructure subject to the approval of City Council.**