

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 902 - 2018

INTRODUCED BY COUNCIL – September 10, 2018

ADOPTED BY COUNCIL – September 10, 2018

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 130 OF THE CODE OF THE BOROUGH OF COLUMBIA – HISTORIC DISTRICT, SECTION 130-7 TO REVISE THE DEFINITION OF ALTERATION AND ADD DEFINITIONS FOR SATELLITE DISH AND ANTENNA, SECTION 130-16.C. – PREAPPROVED ACTIVITIES, TO REMOVE SUBPART (6) REGARDING INSTALLATION OF COMMERCIAL AND BUSINESS SIGNAGE TO THE EXTERIOR OF BUILDINGS; ADD A NEW SECTION 130-15.2 TO ESTABLISH REGULATIONS REGARDING SATELLITE DISHES AND ANTENNAS AND REVISING SECTION 130-25 – DECISIONS ON APPLICATIONS, SUBPART C. TO CLARIFY MATTERS REGARDING PROPOSALS FOR NEW CONSTRUCTION OR ALTERATION AND PROPOSALS FOR DEMOLITION; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution states that the people have a right to clean air, pure water and to the preservation of the natural, scenic and historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted the Act of June 13, 1961, to empower communities to protect areas of historic nature and architecture; and

WHEREAS, the Borough Council of the Borough of Columbia enacted Chapter 130 of the Code of the Borough of Columbia on May 13, 2002, as amended from time to time thereafter, to establish a historic district in conformance with the Pennsylvania Constitution and the Act of June 13, 1961, as well as the National Historic Preservation Act of 1966 and to establish and to continue an effective program of landmark recognition and preservation of properties within the historic district; and

WHEREAS, protections bestowed upon the Borough of Columbia Historic District by Chapter 130 of the Code of the Borough of Columbia, as well as by the Pennsylvania Constitution, Act of June 13, 1961, and the National Historic Preservation Act of 1966

help protect the property values and quality of life of homes and other properties within the District, as well as improve the economic vitality of the Borough as a whole by promoting tourism and other business within the community; and

WHEREAS, allowing the degradation of properties within the Historic District will permanently damage the flavor and nature of the area, destroy the resource that the Borough of Columbia has come to depend upon economically and for tourism and other business and harm the quality of life and property values within the area; and

WHEREAS, Borough Council of the Borough of Columbia has observed the proliferation of satellite dishes and antennas as herein defined on the fronts and roofs of many properties located within the Borough of Columbia Historic District from the public right-of-way; and

WHEREAS, the Federal Communications Commission established Rule 96-328 to implement Section 207 of the Telecommunications Act of 1996, which governs over-the-air programming services; and

WHEREAS, FCC Rule 96-328 permits local restrictions on antennas and satellite dishes that are necessary to preserve a historic district listed or eligible to be listed in the National Register of Historic Places provided that no other means of reception can be provided.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. Chapter 130 of the Code of the Borough of Columbia – Historic District, Article II – Definitions and Word Usage, Section 130-7 – Definitions be and hereby is amended by amending and/or adding the following definitions:

“ALTERATION – Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this chapter as an act or process reviewable by the Borough’s Historical Architectural Review Board, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object or any part of any structure or object that is visible from a property’s tax parcel street address, but excluding rear elevations and rear accessory buildings visible only from secondary public streets or public alleys, or the installation of a satellite dish, antenna and other required equipment on the front of buildings, along their façades, or on the roofs or sides of such buildings if visible from a public right-of-way.”

“ANTENNA – An antenna that is one meter (“39.37 inches”) or less in diameter or diagonal measurement that is designed to receive video programming service via broadband radio service, to receive or transmit fixed wireless signals other than via satellite, or designed to receive local

television broadcast signals. Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter. Masts higher than antennas used for AM/FM radio, amateur (hand) radio, CB radio, digital radio services (DARS) or antennas used as part of a hub to relay signals along multiple locations are not covered by this definition or the provisions of this chapter."

"SATELLITE DISH – A "dish" antenna that is one meter ("39.37 inches") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to transmit fixed wireless signals via satellite."

SECTION 2. Chapter 130 of the Code of the Borough of Columbia – Historic District, Article V – General Regulations, be and hereby is amended by adding the following Section 130-15.2 – Satellite Dishes, Antenna and Other Required Equipment:

"Section 130-15.2 – Satellite Dishes, Antennas and Other Required Equipment.

(1) All applications for installation of a satellite dish, antenna or other required equipment are subject to the following rules and procedures:

a. No satellite dishes, antenna or other required equipment shall be installed or placed in front yards, front of buildings, or along their façades.

b. All satellite dishes, antennas or other required equipment shall be located at the rear of the main dwelling unit or to the rear of the property.

c. Antenna and satellite dishes may be installed in the rear or on the roof or side of the property. A roof or side mounted satellite dish or antenna or other required equipment shall not, however, be visible from the public right-of-way.

d. When secured to a brick wall, anchoring for satellite dishes, antenna and other required equipment shall only occur within mortar joints and not within the bricks themselves.

e. Satellite dishes, antenna or other required equipment, may be installed in or on the front of buildings, on the roofs of buildings visible from the public right-of-way and on the side of buildings visible from the public right-of-way only if no other means of reception can be provided. In such cases where the proposed location of a satellite dish, antenna or other required equipment is visible from the public right-of-way, the owner or tenant of the property shall seek issuance of a certificate of appropriateness as required by this Chapter and with the application for

the same shall submit a certificate signed by the installer certifying that no means of reception can be provided by placement of the equipment on a location on the property not visible from the public right-of-way. When any such certificate of appropriateness is granted, all such satellite dishes, antenna or other required equipment shall be installed so as to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. When such a certificate of appropriateness is required, it shall be granted or denied within thirty (30) days of submission of the application with the certificate referenced above.

(2) In the case of applications for a certificate of appropriateness for the placement of an antenna, satellite dish or other required equipment in the front of buildings, or on the roof or side of a building visible from a public right-of-way, the Borough's code officer and/or building inspector will determine whether a review at a regularly scheduled meeting of the HARB is required. Notwithstanding whether such code officer or building inspector determines that a review is needed, the application must be granted within thirty (30) days; hence, if a review is needed, a special meeting of the HARB shall be held in order to review the application prior to the expiration of said thirty (30) day period. Further, any approvals by Borough council necessary to approve the certificate of appropriateness must also be held within such thirty (30) day period.

(3) It shall be the responsibility of the property owner and/or his designee to remove satellite dishes and antennas when the owner or tenant who installed the device no longer inhabits the property or within 30 days following termination of any service utilizing such satellite dish or antenna."

SECTION 3. Chapter 130 of the Code of the Borough of Columbia – Historic District, Article V – General Regulations, Section 130-16 – Preapproved Activities, Subpart C. – Preapproved Activities, be and hereby is amended by deleting Subpart (6) which currently reads:

"Installation of commercial and business signage to the exterior of buildings."

SECTION 4. Chapter 130 of the Code of the Borough of Columbia – Historic District, Article VII – Procedures for Certificate of Appropriateness, Section 130-25 – Decision on Application, Subpart C. be and hereby is revised to read as follows:

"The HARB decision shall be based upon the "standards" and the design guidelines contained herein or as are subsequently adopted by resolution of the Borough Council upon recommendation from the HARB. At the conclusion of the HARB's deliberation and vote to approve proposals for New Construction or Alteration, the property owner will be required to add

his, her or its signature to Line 11 of the application for HARB review, indicating the property owner's acceptance of the HARB's recommendation and any associated conditions. In the instance of HARB approval and/or in the instance of a preapproved activity or preapproved replacement of windows in accordance with the terms of this chapter, the Borough Code Officer will notify Borough Council President in writing of the recommendation or necessity to issue a certificate of appropriateness, and the Council President be and thereby is hereby authorized on behalf of the Borough Council to promptly, upon receipt thereof, issue such certificates of appropriateness. Proposals for Demolition are exempt from this provision, and must follow the procedures cited in §130-18 addressing Demolition of buildings. The Code Officer and/or Building Inspector shall thereupon be authorized to issue a building permit to the applicant, who shall obtain the permit from the Borough's Code Enforcement Department during regular business hours. No additional action or vote by the Borough Council shall be necessary as the Council hereby specifically authorizes the Council President to act on behalf of the Council in approving the HARB's recommendations and issuing certificates of appropriateness based upon such recommendations and/or based upon the submission of an application for a pre-approved activity or an approved replacement window alteration."

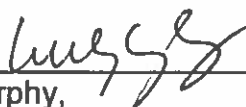
SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 7. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 10 day of September, 2018, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

By: 
Kelly Murphy,
President of Borough Council

ATTEST:



Rebecca S. Denlinger,
Secretary/Treasurer of Borough Council

Examined and approved this 10 day of September, 2018.



Leo S. Lutz, Mayor