

ORDINANCE NO. 01-2020

**AN ORDINANCE OF THE COMMISSIONERS OF BERKS COUNTY,
PENNSYLVANIA ESTABLISHING PROCEDURES AND
GUIDELINES FOR THE INSTALLATION OF SIGNAL BOOSTERS
ASSOCIATED WITH THE BERKS COUNTY PUBLIC SAFETY
RADIO SYSTEM**

WHEREAS, Berks County (the “County”) is a licensee of the Federal Communications Commission with respect to assigned spectrum for operation of the County’s public safety radio system (the “System”); and

WHEREAS, in order to enhance network coverage, Signal Boosters may be utilized in structures to ensure adequate System coverage for emergency responders; and

WHEREAS, in certain cases, building owners are compelled by other laws or regulations to operate a Signal Booster in some structures to ensure adequate System coverage for emergency responders; and

WHEREAS, to ensure there is no degradation to the County’s System by the addition of Signal Boosters, 47 C.F.R. § 90.219 requires that any non-licensee seeking to operate a Signal Booster obtain the express consent of the licensee; and

WHEREAS, in order to ensure the integrity and operation of the current and future public safety radio systems, the County is adopting this Ordinance establishing guidelines and procedures for the operation of a Signal Booster passing spectrum assigned to the public safety radio system, which guidelines and procedures must be followed as a condition to the County providing consent to the use of Signal Booster.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of Berks County, Pennsylvania as follows:

SECTION 1: LEGISLATIVE INTENT AND BACKGROUND

The Preamble set forth above is incorporated into this Section as establishing the legislative intent and background of this Ordinance.

SECTION 2: ADOPTION OF GUIDELINES AND PROCEDURES

The guidelines and procedures contained in the Berks County Public Safety Radio System Signal Booster Technical Requirements document, which is available through the County’s

Department of Emergency Services (“DES”), and attached hereto, and which may be amended from time to time as required in the interests of the protection of the System, are adopted through this Ordinance as the required guidelines and procedures to be utilized and complied with in order for any Signal Booster to be approved to pass radio spectrum used in the County’s System. No Signal Booster intended to pass the radio spectrum assigned for use to the County’s System shall be commissioned, except after receipt of a letter of authorization (“LOA”) from DES. Any Signal Booster so commissioned, shall be deactivated immediately upon receipt of notice from DES that the LOA is withdrawn.

SECTION 3: VIOLATION

Any person violating any provision of this Ordinance, including any requirements of the Berks County Public Safety Radio System Signal Booster Technical Requirements document shall, upon conviction thereof at a summary proceeding, be sentenced to pay such fine of not more than \$1,000, to be paid to the use of the County, with costs of prosecution, or to be imprisoned for not more than ten days, or both. Each day that a violation occurs or continues shall be considered a separate violation.

SECTION 4: AMENDMENT

The Berks County Public Safety Radio System Signal Booster Technical Requirements document adopted by this Ordinance may be amended from time to time by resolution adopted by the Board of Commissioners.

SECTION 5: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 6: REPEALER AND APPLICABILITY

Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed. This Ordinance and the Berks County Public Safety Radio System Signal Booster Technical Requirements document shall supersede any ordinance or resolution,

or parts of any ordinance or resolution of any municipality to the extent the ordinance or resolution does not meet or exceed the terms thereof.


SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this 9th day of January, 2020.

COUNTY OF BERKS


Christian Y. Leinbach, Chair


Kevin S. Barnhardt, Commissioner

Attest:


Maryjo Gibson, Chief Clerk


Michael S. Rivera, Commissioner