

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2007 Legislative Session

Bill No. CB-34-2007

Chapter No. 29

Proposed and Presented by Council Member Dean

Introduced by Council Members Dean, Bland, Turner and Exum

Co-Sponsors _____

Date of Introduction October 23, 2007

BILL

1 AN ACT concerning

2 Telecommunications Transmission Facility Committee – Facility Inventory

3 For the purpose of amending the procedures pertaining to the Prince George's County

4 Telecommunications Transmission Facility Committee.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5A. Cable Televisions and

7 Telecommunications.

8 Section 5A-161 and 5A-164

9 The Prince George's County Code

10 (2003 Edition, 2006 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 5A-161 and 5A-164 of the Prince George's County Code be and the same
13 is hereby repealed and reenacted with the following amendments:

14 **SUBTITLE 5A. CABLE TELEVISION AND TELECOMMUNICATIONS.**

15 **DIVISION 2. TELECOMMUNICATIONS FRANCHISES.**

16 **Sec. 5A-161. Telecommunications Transmission Facility Committee.**

17 (a) The Telecommunications Transmission Facility Committee shall consist of:

18 (1) The Telecommunications Transmission Facility Coordinator;

19 (2) The Director of the Department of Environmental Resources or the Director's

20 designee;

1 (3) The Director of the Department of Public Works and Transportation or the
 2 Director's designee;

3 (4) The Planning Director or the Director's designee;

4 (5) The Superintendent of Schools or the Superintendent's designee; [and]

5 (6) The Director of the Office of Information Technology and Communications or the
 6 Director's designee[.] ; and

7 (7) The County Council Administrator or the Administrator's designee.

8 (b) The County Executive and County Council shall designate a Telecommunications
 9 Transmission Facility Coordinator.

10 (c) The Director shall make available to the Telecommunications Transmission Facility
 11 Committee such services and facilities as are necessary for the proper performance of its duties.

12 (d) The Telecommunications Transmission Facility Coordinator shall maintain a database
 13 of all telecommunications transmission facilities located in the County and those facilities
 14 proposed to be located in the County.

15 (e) The Telecommunications Transmission Facility Committee shall serve as a central
 16 source of information and provide technical advice on the siting of telecommunications
 17 transmission facilities for the County, the Maryland National Capital Park and Planning
 18 Commission, the Board of Education and other public landowners, private landowners, licensed
 19 telecommunication carriers, and the general public.

20 (f) The Telecommunications Transmission Facility Committee shall promote the
 21 appropriate and efficient location and co-location of telecommunications transmission facilities
 22 to minimize adverse impacts on other land uses in the County. The Telecommunications
 23 Transmission Facility Committee shall, among other things, evaluate the esthetic effects of
 24 locating multiple telecommunications transmission facilities in a single location or on a single
 25 structure.

26 (g) The Telecommunications Transmission Facility Committee shall:

27 (1) Review the siting of each proposed telecommunications transmission facility;

28 (2) Evaluate the technical rationale of proposed locations;

29 (3) Recommend alternative sites and techniques where appropriate to mitigate the
 30 visual impact of the proposed and alternative site and provide a copy of the recommendation to

1 the council member in whose district the telecommunications transmission facility is to be
2 located;

3 (4) Recommend provisions governing removal of the proposed telecommunications
4 transmission facility at the end of its useful life, including the posting of a bond or other financial
5 guarantee;

6 (5) Facilitate public participation in the telecommunications transmission facility
7 siting process; [and]

8 (6) Report annually to the County Executive and/or the County Council [or] and as
9 requested on siting policy issues.

10 * * * * *

11 **Sec. 5A-164. Telecommunications transmission facility applications.**

12 (a) Every applicant for a building permit or other permit for the erection of a
13 telecommunications transmission facility shall submit to the Telecommunications Transmission
14 Facility Coordinator a telecommunications transmission facility location plan or an amendment
15 to an existing plan. The plan shall clearly identify the location of every existing
16 telecommunications transmission facility and the proposed location of each facility to be
17 constructed or located in accordance with the permit application.

18 (b) Every applicant for a building permit or other permit for the erection of a
19 telecommunications transmission facility shall submit to the Telecommunications Transmission
20 Facility Coordinator a statement regarding whether the telecommunications transmission facility
21 is proposed for location on an existing structure. If the application includes the construction or
22 erection of a new supporting structure for the facility, the applicant shall provide a detailed
23 statement describing the applicant’s efforts to locate the proposed telecommunications
24 transmission facility on an existing structure; a description of any potential alternate locations for
25 the telecommunications transmission facility not requiring such construction or erection; and a
26 brief explanation of the reasons why such sites were not selected.

27 (c) The Telecommunications Transmission Facility Coordinator shall not disclose to any
28 person any information in the plan which qualifies as confidential information under the
29 Maryland Public Information Act.

30 (d) Nothing in this provision shall exempt an applicant from any applicable zoning
31 requirements or other requirements of law.

1 (e) At least 30 days prior to the acceptance by the Telecommunications Transmission
2 Facility Committee of an application for a Telecommunications Telecommunication Facility for
3 a new monopole, tower or pole for the support of an antenna (electronic, radio, television,
4 transmitting, or receiving) every applicant shall send an informational mailing to all adjoining
5 property owners, including owners whose property lie directly across a street, alley, or stream
6 and to every municipality located within one mile of the new facility, to the County Council
7 member of the District that the new facility is proposed and to all civic associations registered
8 with the Maryland-National Capital Park and Planning Commission located within one mile of
9 the new monopole, tower or pole for the support of an antenna. The parties will be notified by
10 the informational mailing that they may request a briefing within 30 days of the mailing.

11 (f) Every applicant and the TTFC Chair or Chair's designee shall meet and brief the above
12 mentioned parties if requested by these parties within 30 days of the date of sending the
13 informational mailing. The requested meeting and briefing must occur prior to the approval of
14 the new facility by the Telecommunications Transmission Facility Committee.

15 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
16 calendar days after it becomes law.

Adopted this 20th day of November, 2007.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Camille A. Exum
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.