

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**Resolution No. CR-16-1997Proposed by Council Member RussellIntroduced by Council Member Russell

Co-Sponsors

Date of Introduction March 18, 1997**RESOLUTION**

A RESOLUTION concerning

Communication Towers, Poles, and Antennae

For the purpose of requesting the County Executive to develop and execute a public education plan to inform County residents about the placement of communication towers, poles, and antennae within the County.

WHEREAS, the Telecommunications Act of 1996 was enacted into law as Public Law No. 104-104 and is codified at Title 47 United States Code Sections 151 et seq; and

WHEREAS, Section 253 provides that no local law may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service, that, if specifically authorized by the State, the County is permitted to impose on a competitively neutral basis requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers, and that the County is permitted to manage the public rights-of-way and to require fair and reasonable compensation from telecommunications providers on a competitively neutral and nondiscriminatory basis if the compensation required is publicly disclosed; and

WHEREAS, Section 332 preserves local regulation regarding the placement, construction and modification of personal wireless service facilities so long as local regulations do not discriminate among providers of functionally equivalent services and prohibit or have the effect of prohibiting the provision of personal wireless services, provide that the local government acts on requests within a reasonable period of time, provide that any

denial be in writing and be supported by substantial evidence, and provide that no local regulation is based upon the environmental effects of radio frequency emissions if the proposed facilities comply with Federal Communications Commission regulations concerning such emissions; and

WHEREAS, the Federal Communications Commission has released its Report and Order dated August 5, 1996 on the potential effects of radio frequency emissions from FCC regulated transmitters on human health and safety; and

WHEREAS, the Federal Communications Commission has increased wireless subscriber capacity through the reduction of effective radiated power and the reuse of licensed frequencies at close interval and thereby required the construction of more antennae sites to provide service coverage; and

WHEREAS, the County Council, sitting as the District Council, has enacted zoning regulations concerning the use, height, location, setbacks, and structural integrity of telecommunication towers, monopoles and antennae in the residential, commercial, and industrial zones; and

WHEREAS, the residents of the County are desirous to be informed of the applicable laws, ordinances, regulations, and administrative rules that govern the construction and operation of telecommunications facilities in the County.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the County Executive, in conjunction with the Planning Director of the Maryland-National Capital Park and Planning Commission, is requested to develop a public education program to inform the residents of the County of the existence and coverage of applicable laws, ordinances, regulations, and administrative rules that protect the public health, safety, and welfare with respect to the construction and operation of telecommunications facilities in the County.

Adopted this 17th day of June, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council