COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2007 Legislative Session

Bill No. CB-47-2007

Chapter No. 23

Proposed and Presented by Council Member Dernoga

Introduced by Council Member Dernoga

Co-Sponsors

Date of Introduction October 16, 2007

BILL

AN ACT concerning

Duplicate County Code Provisions

For the purpose of repealing duplicate provisions of the County Code pertaining to the Telecommunications Transmission Facility Coordinating Committee.

BY repealing:

SUBTITLE 2. ADMINISTRATION.
Sections 2-464, 2-465, 2-466, 2-467, 2-468, 2-469,
2-470, 2-471, 2-472, and 2-473,
The Prince George's County Code
(2003 Edition, 2006 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-464, 2-465, 2-466, 2-467, 2-468, 2-469, 2-470, 2-471, 2-472 and 2-473 of the Prince George's County Code be and the same are hereby repealed:

SUBTITLE 2. ADMINISTRATION.

DIVISION 37. TELECOMMUNICATIONS TRANSMISSION FACILITY COORDINATING COMMITTEE.

Sec. 2-464. [Definitions] <u>Reserved</u>.

[(a) For purposes of this Division, the following words, terms, and phrases shall have the following meanings:

(1) **Director** means the Director of the Office of Management and Budget.

(2) **Minor Antenna** means a radio/antenna device no more than twenty-five (25)

inches in length, fifteen (15) inches in width, and ten (10) inches in height (excluding mounting brackets, fasteners, cabling, and antenna), with five watts or less of transmitter output power, which is installed on streetlight arms or mast arms mounted on preexisting poles or rooftops or other preexisting support structures.

(3) **Telecommunications transmission facility** means any antenna mounted on a structure which is used to transmit or retransmit wireless voice, data, or image information but shall not mean or include a Minor Antenna.

(4) **Telecommunications Transmission Facility Coordinator** means the person responsible for the coordination of applications for the erection of telecommunications transmission facilities in the County.]

Sec. 2-465. [Telecommunications Transmission Facility Committee] Reserved.

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

(1) The Director of the Department of Environmental Resources or the Director's designee;

(2) The Telecommunications Transmission Facility Coordinator;

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

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

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

(6) The Chief, Information Technology Division, Office of Management and Budget, or the Chief's designee.]

Sec. 2-466. [Telecommunications Transmission Facility Coordinator] Reserved.

[(a) The County Executive shall designate a Telecommunications Transmission Facility Coordinator.

(b) The Director shall make available to the Telecommunications Transmission Facility Coordinator such services and facilities as are necessary for the proper performance of his duties.]

Sec. 2-467. [Committee duties and responsibilities] Reserved.

[(a) The Telecommunications Transmission Facility Committee shall promote the appropriate and efficient location and co-location of telecommunications transmission facilities to minimize adverse impacts on other land uses in the County. The Telecommunications

Transmission Facility Committee shall, among other things, evaluate the esthetic effects of locating multiple telecommunications transmission facilities in a single location or on a single structure.

(b) The Telecommunications Transmission Facility Committee shall:

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

(2) Facilitate public participation in the telecommunications transmission facility siting process; and

(3) Report annually to the County Executive and the County Council on siting policy issues.]

Sec. 2-468. [Coordinator duties and responsibilities] Reserved.

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

(b) The Telecommunications Transmission Facility Coordinator shall serve as a central source of information and a technical resource on the siting of telecommunications transmission facilities for County and other public landowners, private landowners, the Maryland-National Capital Park and Planning Commission, licensed telecommunication carriers, and the general public.

(c) The Telecommunications Transmission Facility Coordinator shall:

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

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

(3) Recommend alternative sites and techniques where appropriate to mitigate the visual impact of the proposed and alternative site.]

Sec. 2-469. [Telecommunications transmission facility inventory] Reserved.

[(a) Prior to August 1 of each year, each agency of the County and each agency which receives County funding shall submit to the Telecommunications Transmission Facility Coordinator its telecommunications transmission facility location plan. The plan shall identify the location of each existing telecommunications transmission facility and the proposed location of each facility to be constructed or located in the succeeding two years. The plan shall be

updated whenever the actual or proposed location of a facility changes.

(b) Prior to August 1 of each year, each owner of a telecommunications transmission facility in the County shall submit to the Telecommunications Transmission Facility Coordinator its telecommunication transmission facility location plan. The plan shall identify the location of each existing telecommunication transmission facility and the proposed location of each facility to be constructed or located in the succeeding two years.

(c) The Telecommunications Transmission Facility Committee shall draft a master plan of actual and proposed telecommunications transmission facilities in the County and submit the master plan to the County Council for approval no later than October 1 of each year. The master plan shall identify areas of the County where additional sites for telecommunications transmission facilities are anticipated to be needed to provide service for public and private uses.]

Sec. 2-470. [Telecommunications transmission facility applications] <u>Reserved</u>.

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

(b) Every applicant for a building permit or other permit for the erection of a telecommunications transmission facility shall submit to the Telecommunications Transmission Facility Coordinator a statement regarding whether the telecommunications transmission facility is proposed for location on an existing structure. If the application includes the construction or erection of a new supporting structure, the applicant shall provide a detailed statement describing the applicant's efforts to locate the proposed telecommunications transmission facility on an existing structure, a description of all alternative locations considered that do not require the construction of a new supporting structure, and an engineering study regarding the suitability of the proposed location and alternate locations for the telecommunications transmission facility.

(c) All applications shall be reviewed in an efficient and timely manner, with the final disposition occurring within 60 days after the date a complete application is submitted to the coordinator.

(d) Nothing herein shall exempt an applicant from any applicable zoning requirements or other requirements of law.]

Sec. 2-471. [Application fees] Reserved.

[(a) The applicant for each telecommunications transmission facility shall pay a site review fee of not more than Five Hundred Dollars ($500.00) at the time the application for a proposed location is made.

(b) The applicant for each co-located telecommunications transmission facility shall pay a site review fee of not more than Two Hundred Fifty Dollars ($250.00) at the time the application for a proposed location is made.

(c) The site review fee is in addition to fees required for any other permit.]

Sec. 2-472. [Confidentiality of telecommunications transmission facility plans] Reserved.

[The Telecommunications Transmission Facility Coordinator shall not disclose any information in the plan which qualifies as confidential information under the Maryland Public Information Act to any person.]

Sec. 2-473. [Uniform contracts for use of County facilities] Reserved.

[(a) The Telecommunications Transmission Facility Committee, with the approval of the County Executive, shall develop and make available to persons desiring to erect a telecommunications transmission facility in the County a uniform contract for the location of telecommunications transmission facilities on land and structures owned and leased by the County.

(b) The Telecommunications Transmission Facility Committee, with the approval of the County Executive, shall develop and make available to persons desiring to erect a telecommunications transmission facility in the County a uniform rent and fee schedule designed to minimize differential treatment of telecommunications transmission facility owners.]

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

Adopted this 6th 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.