

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2019 Legislative Session**

Bill No. CB-58-2019

Chapter No. 45

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Turner, Franklin, Davis, Glaros, Taveras,  
Anderson-Walker and Harrison

Date of Introduction October 22, 2019

**BILL**

1 AN ACT concerning

2 **SMALL WIRELESS FACILITIES**

3 For the purpose of authorizing and regulating the installation and implementation of certain  
4 small wireless telecommunications facilities in the County.

5 BY repealing and reenacting with amendments:

6 **SUBTITLE 5A. CABLE TELEVISION AND**  
7 **TELECOMMUNICATIONS.**

8 Sections 5A-149, 5A-150, 5A-151, 5A-152, 5A-153,  
9 5A-154. 5A-155. 5A-156

10 The Prince George's County Code  
11 (2015 Edition; 2018 Supplement).

12 BY adding:

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

15 Section 5A-159  
16 The Prince George's County Code  
17 (2015 Edition; 2018 Supplement).

18 BY repealing and reenacting with amendments:

19 **SUBTITLE 23. ROADS AND SIDEWALKS.**

20 Sections 23-102, 23-105, 23-112, 23-115, 23-120, 13-  
21 121, 23-122, 23-123, 23-129, 23-130, 23-131, 23-132,

23-133, 23-134, 23-135, 23-136, 23-137, 23-138, 23-139, 23-140

The Prince George's County Code  
(2015 Edition; 2018 Supplement).

BY adding:

SUBTITLE 23. ROADS AND SIDEWALKS.

Section 23-147.

The Prince George's County Code  
(2015 Edition; 2018 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5A-149, 5A-150, 5A-151, 5A-152, 5A-153, 5A-154, 5A-155, 5A-156 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

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

**DIVISION 2. TELECOMMUNICATIONS.**

**Sec. 5A-149. Short title; purposes.**

\* \* \* \* \*

(6) To recognize the public interest in facilitating the deployment of telecommunications technologies in a manner that is consistent with all applicable laws.

\* \* \* \* \*

**Sec. 5A-150. - Definitions.**

(a) In this Division, the following words and phrases have the meanings indicated:

(1) **Administrative Recommendation** means a Telecommunications Transmission Facility Coordinating Committee (TTFCC) recommendation that the TTFCC Chair or designee is authorized to grant after administrative review of an application for a Micro-wireless Facility, Minor Modification or Cell on Wheels.

(2) **Administrative Review** means the examination of a TTFCC application for a Micro-wireless Facility, Minor Modification or Cell on Wheels by the TTFCC Chair or designee to assure that the application is complete and accurate.

(3) **Antenna** means [any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services

1 and microwave communications] an apparatus designed for the purpose of emitting  
 2 radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC  
 3 authorization for the provision of wireless service and any commingled information services.

4 Such [structures and devices] apparatus include, but are not limited to, directional antennas, such  
 5 as panels, microwave dishes, satellite dishes, and omnidirectional antennas, such as whips.

6 (4) **Antenna equipment** means equipment, switches, wiring, cabling, power  
 7 sources, shelters, shrouds, enclosures, or cabinets associated with an antenna, located at the same  
 8 fixed location as the antenna, and, when co-located, is mounted or installed at the same time as  
 9 such antenna.

10 (5) **Antenna facility** means an antenna and associated antenna equipment.

11 [(4)] (6) **Applicant** means a person who submits an [a] Application. The term  
 12 includes the persons who will be the owners of the Facility or on whose behalf the work will be  
 13 performed, as well as the person who may submit an application, which shall in any case be  
 14 signed by the entity which will own the Facility or on whose behalf the work is performed.

15 [(5)] (7) **Application** [means a request for the TTFCC to review and evaluate a  
 16 new Telecommunications Transmission Facility within the public right-of-way, on public  
 17 property or private property. An application includes all the requirements for submission of an  
 18 application and any subsequent information to amend the application or in reply to requests for  
 19 additional information.] means a request submitted electronically by an applicant for the TTFCC  
 20 to review and evaluate a proposed new or modified Telecommunications Transmission Facility  
 21 within Prince George's County, Maryland. A TTFCC Application includes all the requirements  
 22 for submission of a TTFCC Application and any subsequent information to amend the  
 23 application or in reply to requests for additional information.

24 (8) **Base Station** means a structure or equipment at a fixed location used for the  
 25 provision of personal wireless services and that enables Federal Communications Commission-  
 26 licensed or authorized wireless communications between user equipment and a communications  
 27 network. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-  
 28 optic cable at the site, regular and backup power supplies, and comparable equipment, regardless  
 29 of technological configuration. The term does not include a Tower or other support structure, as  
 30 defined herein, and it does not include Facilities (other than wireless devices at the Base Station)  
 31 that connect a base station at a fixed location to other elements of a communications network at

1 other locations. The term does not include metering equipment or disconnects required to  
 2 provide power to the Base Station.

3 [(6)] (9) **Cell on Wheels (COW)** means a portable self-contained cell site that can  
 4 be moved to a location and set up to provide wireless telecommunications services on a  
 5 temporary or emergency basis, for a period up to one hundred twenty (120) days but not more  
 6 than the period permitted by the Building Code Official. A COW is normally vehicle mounted  
 7 and contains a telescoping boom as the antenna support structure.

8 [(7)] (10) **Co-location** means [the siting of Telecommunications Transmission  
 9 Facilities on an existing support structure with other antenna(s).]:

10 (A) the mounting or installation of an antenna facility on a preexisting  
 11 structure for the purpose of transmitting and/or receiving radio frequency signals for  
 12 communication purposes, whether or not there is an existing facility on the tower, building, or  
 13 structure, or

14 (B) the modification of a preexisting structure for the purpose of mounting  
 15 or installing an antenna on that structure,

16 (11) **Construct** means to construct, install, erect, build, affix or otherwise place  
 17 any fixed structure or object.

18 (12) **Design Manual** means the Design Manual for Small Wireless Facilities  
 19 promulgated by the County. The Design Manual includes design standards including, but not  
 20 limited to, the appearance, height, and size of small wireless facilities.

21 [(8)] (13) **Director** means the Director of the [Office of Information Technology]  
 22 Department of Permitting, Inspections and Enforcement.

23 (14) **Emergency** means a condition that

24 (A) poses a clear and immediate danger to life or health, or of a significant  
 25 loss of property; or

26 (B) requires immediate repair or replacement in order to restore service to  
 27 a user.

28 (15) **Facility or Facilities** means facilities, equipment and installations of any  
 29 kind, including but not limited to any lines, pipes, irrigation systems, wires, cables, conduit  
 30 facilities, ducts, poles, towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates,  
 31 meters, appurtenances, or other equipment. A reference to a Facility refers both to the Facility

1 considered as a whole and the individual elements of a Facility.

2 (16) **FCC** means the Federal Communications Commission, its designee, or any  
3 successor governmental entity thereto.

4 (17) **Install** means the placing of a Facility, whether initially or as part of the  
5 repair, modification, replacement, removal or expansion of an existing Facility, and includes any  
6 process by which a Facility is placed, including but not limited to attachment, construction,  
7 digging, excavation, placement, pulling and the like.

8 (18) **License** shall mean a nonexclusive specific authorization granted pursuant to  
9 this Subtitle to construct, operate, and maintain a small wireless facility in the public right-of-  
10 way to provide wireless communication services within all, or a specified area of, Prince  
11 George's County, Maryland. Any such authorization, in whatever form granted, shall not mean or  
12 include any general license or permit required for the privilege of transacting and carrying on a  
13 business within the County as required by the ordinances and laws of the County, or for  
14 attaching devices to poles or other structures, whether owned by the County or a private entity,  
15 or for excavating or performing other work in public right-of-way.

16 (19) **Licensee** shall mean a natural person, partnership, domestic or foreign  
17 corporation, association, joint venture, or organization of any kind that has been granted a license  
18 by the County, subject to this Subtitle.

19 (20) **Material Change** shall mean a change that does not qualify as an Eligible  
20 Facilities Request as defined by the FCC.

21 (21) **Master License Agreement** means a written agreement entered into  
22 pursuant to this Subtitle between the County and a licensee that sets forth, subject to this Subtitle,  
23 the terms and conditions under which a license will be granted and exercised.

24 (22) **Micro-wireless facility** means a facility that:

25 (A) is not larger in dimension than 24 inches in length, 15 inches in width,  
26 and 12 inches in height, including all mounting brackets, fasteners, cabling and antennas, and

27 (B) has an exterior antenna, if any, not longer than 11 inches, and

28 (C) is mounted on a preexisting support structure, cable, or wire.

29 [(9)] (23) **Minor Antenna** means a radio/antenna device no more than [twenty-  
30 five (25) twenty (20) inches in length, [fifteen (15)] ten (10) inches in width, and ten (10) inches  
31 in height (excluding mounting brackets, fasteners, cabling, and antenna), with [five] two watts or

1 less of transmitter output power, which is [installed on streetlight arms or mast arms] mounted on  
 2 a strand, cable, or wire attached to preexisting poles [or rooftops or other preexisting support  
 3 structures], so long as:

4 (A) the device is installed in a manner that does not result in line sag, and

5 (B) the device is located on a strand, cable, or wire owned or controlled by  
 6 the owner of the minor radio/antenna device, and

7 (C) there are no more than two (2) said devices at any location or mid  
 8 strand between two poles, and

9 (D) the device is installed in parallel with the adjacent roadway and is not  
 10 installed over the roadway, and

11 (E) the device complies with all applicable Federal, State and local and  
 12 regulations, including this Code.

13 [(10)] (24) **Minor Modification** means changes to an existing  
 14 Telecommunications Transmission Facility that does not result in a Material Change to the  
 15 existing facility or support structure.

16 [(11)] (25) **Monopole** means a Tower that is a single, self-supporting pole-type  
 17 structure, tapering from base to top and supporting a fixture designed to support  
 18 Telecommunications Transmission Facilities.

19 (26) **Permit** means an official document or certificate issued by the Director or  
 20 his duly authorized agent, authorizing performance of specified construction at a specified  
 21 location and within a specified time, together with all supporting documents, agreements,  
 22 conditions, plans, and specifications.

23 (27) **Permit Application** means a request submitted electronically by an applicant  
 24 that requests a permit. A permit application includes all the requirements for submission of a  
 25 permit application and any subsequent information to amend the permit application or in reply  
 26 for requests for additional information.

27 [(12)] (28) **Person** means [including but not limited to, any individual,  
 28 corporation, partnership, association, joint venture, or organization of any kind and the lawful  
 29 trustee, successor, assignee, transferee, or personal representative thereof] any natural or  
 30 corporate person, business association or business entity including, but not limited to, an  
 31 individual, a partnership, a sole proprietorship, a political subdivision, a public or private agency

1 of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

2 (29) Pole means a type of structure in the public right-of-way that is used in  
 3 whole or in part for wireline communications, electric distribution, lighting, traffic control,  
 4 signage, or similar function, or for co-location.

5 [(13)] (30) Private Property means any real property owned or controlled by a  
 6 single individual or by a group of individuals collectively. Private property is any property that is  
 7 not public property.

8 (31) Protected Area means a site that:

9 (A) has undergrounded utilities, or

10 (B) is proximate to a roadway in a residential zone, or

11 (C) as of the date of an Application, is located in a Historic District as that  
 12 term is defined in Sec. 29-102(a)(7) of this Code, or

13 (D) as of the date of an Application, is located within a group of buildings  
 14 properties, or on a site, that is listed in the Prince George’s County Inventory of Historic Resources,  
 15 or

16 (E) as of the date of an Application, is located within a group of buildings  
 17 properties, or on a site, that is listed in the National Register of Historic Places or formally  
 18 determined eligible for listing by the Keeper of the National Register, or

19 (F) as of the date of an Application, is located within a group of buildings  
 20 properties, or on a site, that is listed in the Maryland Inventory of Historic Properties.

21 (32) Proximate to roadway means the area located adjacent to or part of the  
 22 public right-of- way that includes:

23 (A) any public utility easement, or

24 (B) privately owned and maintained road on which an easement for public  
 25 access exists.

26 [(14)] (33) Public Property means any real property owned or controlled by the  
 27 County or another public entity including buildings, and may include surplus property as defined  
 28 in Section 2-111.01 of this Code. To the extent of any conflict with Section 2-111.01, this  
 29 Division prevails.

30 [15] (34) Public Right-of-Way means the surface and space above, on, beside  
 31 and below any public highway, avenue, street, lane, alley, boulevard, concourse, driveway,

1 bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, building, public easement,  
 2 right-of-way, or any other public ground or water within the unincorporated area of the County  
 3 or belonging to the County

4 (35) Small Wireless Facility means a facility that meets each of the following  
 5 conditions:

6 (A) the facility:

7 (i) is mounted on a structure 50 feet or less in height, including the  
 8 antenna, or

9 (ii) is mounted on a structure no more than 10 percent taller than  
 10 other adjacent structures, or

11 (iii) does not extend the existing structure on which it is located to  
 12 a height of more than 50 feet or by more than 10 percent, whichever is greater;

13 (B) each antenna associated with the facility, excluding associated  
 14 equipment, is no more than three cubic feet in volume;

15 (C) all other wireless equipment associated with the structure, including  
 16 the equipment associated with the antenna and any pre-existing associated equipment on the  
 17 structure, is no more than 28 cubic feet in volume; and

18 (D) the facility does not result in human exposure to radio frequency (RF)  
 19 radiation in excess of all applicable FCC safety standards.

20 [(16)] (36) Support Structure means a structure, including, but not limited to,  
 21 buildings, monopoles, towers, poles, base stations, and other free-standing self-supporting or  
 22 guyed structures that may support telecommunications facilities, whether or not the structure has  
 23 an existing telecommunication facility.

24 [(17)] (37) Telecommunications means the transmission, between or among  
 25 points specified by the user, of information of the user's choosing without change in the form or  
 26 content of the information as sent and received.

27 [(18)] (38) Telecommunications Services means the offering of  
 28 telecommunications for a fee, by a person, which the person is authorized to provide under  
 29 applicable Federal, State, and local law, regardless of the facilities used. It includes, without  
 30 limitation, transmission by optical fiber, coaxial cable, wireless methods, or any other means,  
 31 and includes, without limitation, voice, video, data, telephone service, cellular service, and



1 personal communications services.

2 [(19)] (39) **Telecommunications System** means all or any part of a facility that  
 3 occupies County property and/or public rights-of-way owned or controlled by the County and is  
 4 used to provide one or more telecommunications services.]

5 [(20)] (40) **Telecommunications Transmission Facility** means any antenna  
 6 and/or support structure which is used to transmit or retransmit wireless voice, data, or image  
 7 information, but shall not mean or include a Minor Antenna. A Small Wireless Facility is a  
 8 Telecommunications Transmission Facility.

9 **(41) Telecommunications Transmission Facility Coordinating Committee**  
 10 (TTFCC) means the committee established in accordance with Section 5A-153 of this Division.

11 [(21)] (42) **Telecommunications Transmission Facility Coordinator or**  
 12 **Coordinator** means the person designated by the County Executive for providing support  
 13 services to the TTFCC.

14 **(43) Telecommunications Transmission Facility Location Plan or Plan** means  
 15 a plan that identifies the location of each existing telecommunication transmission facility and  
 16 the proposed location of each facility to be constructed by or for a person in the succeeding two  
 17 years.

18 [(22)] (44) **Tower** means [a lattice-type] [A] any supporting structure built for the  
 19 sole or primary purpose of supporting any FCC-licensed or authorized Antennas (and related  
 20 Facilities), including supporting structures that are constructed for FCC-licensed or authorized  
 21 wireless communications including, but not limited to, private, broadcast, and public safety  
 22 services, as well as unlicensed wireless services and fixed wireless services such as microwave  
 23 backhaul, and the associated site. This definition does not include a Pole. s.

24 [(23)] (45) **Wireless Communication System** means all or any part of a facility  
 25 that is licensed by the Federal Communications Commission under Title 47, Code of Federal  
 26 Regulations, Parts 20, 22, 24, 90, or 101, and is located in whole or in part on public property  
 27 and/or public rights-of-way and is used to provide one or more telecommunications services.

28 **Sec. 5A-151. - Applicability.**

29 (a) The provisions of this Division shall apply to any [telecommunications transmission  
 30 systems] Telecommunications Transmission Facility either installed or under construction within  
 31 the County as of the effective date of this Division or thereafter installed or constructed.

(b) Failure of a Person to [file an Application] undertake any requirements of this Division within the time specified herein shall be a violation of this Division and may result in the immediate revocation of any existing permits or licenses issued by the County allowing such person to occupy any public property and/or right-of-way in relation to the use, operation, or maintenance of a [telecommunications system] Telecommunication Transmission Facility. Upon revocation of such permits or licenses for failure to [file an application] undertake any requirements of this Division within the time specified, the County, to the extent permitted by law, may order prompt removal of such facilities at the Person's expense and seek other redress, both legal and equitable.

**Sec. 5A-152. - Site leasing.**

(a) The County may enter into leases for appropriate sites, antenna space on towers and other supporting structures, and [accessory] buildings on County property with telecommunications providers and radio users. Such leases shall contain reasonable provisions protecting the interests of the County. Such leases for [telecommunications transmission facilities] Telecommunication Transmission Facilities shall comply with the provisions of Section 5A-165. To the extent that this Division conflicts with Section 2-111.01, this Division prevails.

(b) A lessee pursuant to the provisions of this Division shall be responsible for obtaining, in a timely manner at its own expense, any required approvals for any [antenna or antenna structure] Telecommunications Transmission Facility from the Federal Aviation Administration or the Federal Communications Commission, or the successors of either; any required zoning from the County; and any required [building and electrical] permits and inspection from the County. On any antenna structure which is not occupied by a County-owned antenna already subject to the tower registration, lighting, and aeronautical painting requirements of the FAA or FCC, or the successors of either, the lessee shall be financially responsible for the tower registration, lighting, and aeronautical painting requirements applicable to its antenna and/or supporting structure.

\* \* \* \* \*

(d) A lessee pursuant to this Division may enter into sublease agreements with other telecommunications providers to co-locate telecommunications facilities on the lessee's site, provided that each sublease includes provisions, in a form acceptable to the County regarding

1 liability and the payment of compensation, determined in accordance with Section 5A-165, from  
2 such sublessees. Any sublease granted by the lessee shall be subject to the express written  
3 consent of the County and shall be expressly conditioned upon the continued existence of such a  
4 separate agreement with the County.

5 **Sec. 5A-153. Telecommunications Transmission Facility Coordinating Committee.**

6 (a) The Telecommunications Transmission Facility Coordinating Committee shall  
7 consist of:

8 (1) [The Director of the Department of Permitting, Inspections, and Enforcement  
9 or the Director’s designee] Two staff members from the Department of Permitting, Inspections,  
10 and Enforcement, to be designated by the Director, one of whom is employed within the  
11 agency’s permitting function and one of whom is employed within the agency’s site/road plan  
12 review function.

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

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

16 (4) The Superintendent of Schools or the Superintendent's designee;

17 (5) The Director of the Office of Information Technology or the Director's  
18 designee; [and]

19 (6) The County Council Administrator or the Administrator's designee[.]; and

20 (7) The General Manager of the Washington Suburban Sanitary Commission or  
21 the General Manager’s designee.

22 \* \* \* \* \*

23 (d) The Director and the Director of the Office of Information Technology shall make  
24 available to the Telecommunications Transmission Facility Coordinating Committee such  
25 services and facilities as are necessary for the proper performance of its duties.

26 \* \* \* \* \*

27 (e) The Telecommunications Transmission Facility Coordinating Committee shall:

28 \* \* \* \* \*

29 (4) 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  
31 the Council member in whose district the telecommunications transmission facility is to be

1 located and any at-large Council members;

2 \* \* \* \* \*

3 **Sec. 5A-154. - Telecommunications transmission facility application fees.**

4 (a) The applicant shall submit the following filing fees with the submission of each  
5 application:

6 (1) Applications for Telecommunication Transmission Facilities, excluding Small  
7 Wireless Facilities, which are located outside the public right of way;

8 [(1)] (A) Two Thousand Five Hundred Dollars (\$2,500.00) for an  
9 application to construct a new tower, monopole or support structure.

10 [(2)] (B) One Thousand Five Hundred Dollars (\$1,500.00) for an application  
11 to co-locate one Telecommunications Transmission Facility on an existing structure  
12 [Telecommunications Transmission Facility].

13 [(3)] (C) Five Hundred Dollars (\$500.00) for a Minor Modification.

14 (2) Applications for Small Wireless Facilities

15 (A) Three Thousand Dollars (\$3,000.00) for an application to install or  
16 mount one Small Wireless Facility on a new pole.

17 (B) One Thousand Eight Hundred Dollars (\$1,800.00) for an application  
18 to install or mount one Small Wireless Facility on a replacement pole.

19 (C) One Thousand Five Hundred Dollars (\$1,500.00) for an application to  
20 co-locate one Small Wireless Facility on an existing structure.

21 (D) Eight Hundred Dollars (\$800.00) for an application for a Minor  
22 Modification to one Small Wireless Facility.

23 (E) An applicant may batch Applications in accordance with the  
24 provisions of the regulations adopted in accordance with this Section. In the event of a batch  
25 Application, each proposed Small Wireless Facility will be subject to the appropriate fee as listed  
26 in subparagraphs (A) through (D). The total due for TTFCC review will be the sum of the fees  
27 that are assessed for each application.

28 (3) Additional Fees

29 [(4)] (A) Five Hundred Dollars (\$500.00) at the time of filing an [annual  
30 plan] update to the [applicant's master plan] Telecommunications Transmission Facility Location  
31 Plan required by this Division.

1 [(5)] (B) Two Hundred Fifty Dollars (\$250.00) for modification or  
2 revision of the application and/or plans. The fee shall be a minimum of Two Hundred Fifty  
3 Dollars (\$250.00) unless an extensive application and plan review is required, then the fee shall  
4 be determined by the TTFCC Chair and sufficient to offset the cost of the additional plan review  
5 and services.

6 (b) The application fee is in addition to any permit, attachment, occupancy or inspection  
7 fee or other right-of-way charges [required].

8 (c) Within one (1) year of the enactment of this Section, the Director shall submit a  
9 recommendation to the Council regarding any need to adjust the fees listed in Section (a)(2) to  
10 ensure that they are appropriately cost-based in light of all applicable laws. The recommendation  
11 shall include an analysis prepared by an outside expert to be retained by the Director.

12 **Sec. 5A-155. - Telecommunications transmission facility inventory.**

13 (a) Prior to August 1 of each year, each agency of the County and each agency which  
14 receives County funding shall submit to the Telecommunications Transmission Facility  
15 Coordinator its telecommunication transmission facility location plan. [The plan shall identify  
16 the location of each existing telecommunication transmission facility and the proposed location  
17 of each facility to be constructed by or for such agency in the succeeding two years.] The plan  
18 shall be updated whenever the actual or proposed location of a facility changes.

19 (b) Prior to August 1 of each year, each owner of a telecommunications transmission  
20 facility in the County shall submit to the Telecommunications Transmission Facility Coordinator  
21 its telecommunication transmission facility location plan. The Plan shall be updated whenever  
22 the actual or proposed location of a facility changes. [The plan shall identify the location of each  
23 existing telecommunication transmission facility and the proposed location of each facility  
24 proposed to be constructed in the succeeding two years.]

25 \* \* \* \* \*

26 **Sec. 5A-156. – Telecommunications transmission facility applications.**

27 (a) Every applicant for a [building permit or other] permit for the erection of a  
28 telecommunications transmission facility shall [submit to the Telecommunications Transmission  
29 Facility Coordinator a telecommunications transmission facility location plan or an amendment to  
30 an existing plan] ensure that the proposed telecommunications transmission facility is reflected on  
31 the applicant’s existing telecommunications transmission facility location plan. The plan shall

1 clearly identify the location of every existing telecommunications transmission facility and the  
 2 proposed location of each facility to be constructed or located in accordance with the permit  
 3 application. In the event the proposed telecommunications transmission facility is not reflected on  
 4 the applicant's existing plan, the applicant shall amend its existing plan to reflect the proposed  
 5 telecommunications transmission facility. The TTFCC shall not accept a TTFCC application that  
 6 includes any telecommunications transmission facility that:

7           (1) is not reflected on an applicant's existing plan, or

8           (2) has been submitted by an applicant who does not have an existing and current  
 9 plan on record with the Coordinator.

10           (b) Every Application [applicant for a building permit or other permit for the erection of a  
 11 telecommunications transmission facility shall submit to the Telecommunications Transmission  
 12 Facility Coordinator] shall include a statement regarding whether the telecommunications  
 13 transmission facility is proposed for location on an existing structure. If the [a]Application  
 14 [includes] proposes the construction or erection of a new support[ing] structure for the facility, as  
 15 opposed to co-location, the applicant shall provide a detailed statement describing the applicant's  
 16 efforts to locate the proposed telecommunications transmission facility on an existing structure; a  
 17 description of any potential alternate locations for the telecommunications transmission facility  
 18 not requiring such construction or erection; and a brief explanation of the reasons why such sites  
 19 were not selected.

20           (c) The Telecommunications Transmission Facility Coordinator shall not disclose to any  
 21 person any information [in the plan which qualifies as confidential information] that is exempt  
 22 from disclosure under the Maryland Public Information Act.

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

25           (e) Notice Requirement

26           (1) At least thirty (30) calendar days prior to the acceptance [by the  
 27 Telecommunications Transmission Facility Coordinating Committee] of an [a]Application for a  
 28 Telecommunications Transmission Facility, [new monopole, tower or pole for the support of an  
 29 antenna (electronic, radio, television, transmitting, or receiving)] every applicant shall send an  
 30 informational mailing to all adjoining property owners, including owners whose property lies  
 31 directly and diagonally across a street, alley, or stream and to every municipality located within

1 one mile of the new facility, to the County Council member of the District where the new facility  
2 is proposed and all at-large Council members and to all civic associations registered with the  
3 Maryland-National Capital Park and Planning Commission located within one mile of the new  
4 proposed Telecommunications Transmission Facility [monopole, tower or pole for the support of  
5 an antenna.] If an Application proposes the siting of a Telecommunications Transmission Facility  
6 in the Public Right-Of-Way, an informational mailing shall also be sent to the owner of the  
7 property underlying the portion of the right-of-way on which the proposed facility would be  
8 located. The parties will be notified by the informational mailing that they may request a briefing  
9 [within (30) days of the mailing]. An [a]Application that proposes to increase the height of an  
10 existing tower, monopole or pole is included as one that requires notification required in this  
11 Section.

12 (2) The form and content of the notices prescribed above in subsection (1) shall be  
13 made available by the TTFCC and shall be set forth in regulations adopted in accordance with Sec.  
14 5A-158 of this Division.

15 (3) All proposed facilities that are batched in the same application shall be included  
16 on a single notice and, in the event a briefing is requested, shall be included within a single briefing.

17 \* \* \* \* \*

18 (g) Review of Applications [All applications shall be reviewed in an efficient and timely  
19 manner, with a goal of making a TTFCC recommendation within 60 days after a complete  
20 application is submitted to the Telecommunications Transmission Facility Coordinator.]

21 (1) The TTFCC Coordinator shall promptly review all Applications for  
22 completeness. In the event an Application is deemed to be materially incomplete, the TTFCC  
23 Coordinator shall notify the applicant of any deficiencies in accordance with the procedures set  
24 forth in regulations adopted in accordance with Sec 5A-158 of this Division.

25 (2) Upon acceptance of a complete Application, the TTFCC will review the  
26 Application at a public TTFCC meeting.

27 (3) In reviewing an Application, and issuing a recommendation, the TTFCC  
28 shall consider factors including, but not limited to:

29 (A) applicable health, safety, and welfare sections of this Code,  
30 federal or state regulations and laws,

31 (B) for proposed Small Wireless Facilities, all of the provisions of

1 Sec. 5A-159 of this Code.

2 (4) The TTFCC shall issue a written recommendation within the time required by  
3 all applicable laws and regulations adopted in accordance with Sec. 5A-158 of this Division. If a  
4 waiver request pursuant to Sec. 5A-159(f) was included with the Application at the time of  
5 acceptance by the TTFCC, the written recommendation shall include the TTFCC's  
6 recommendation on the request.

7 (h) Applications for Minor Modifications [and], COWs, and micro-wireless facilities may  
8 be administratively reviewed and recommended by the TTFCC Chair or designee on behalf of the  
9 TTFCC without prior review by the TTFCC members.

10 (i) The recommendation for an application by the TTFCC or TTFCC Chair will remain  
11 valid for one year from the date of the TTFCC's disposition. If a [building] required permit  
12 application has not been made within that time the TTFCC's recommendation is no longer valid  
13 and a new application must be submitted for review by the TTFCC. All previous applications for  
14 which a TTFCC recommendation has been issued which have not been permitted within one year  
15 of the effective date of enactment of this bill will no longer be valid.

16 \* \* \* \* \*

17 SECTION 2. BE IT ENACTED by the County Council of Prince George's  
18 County, Maryland, that Section 5A-159 of the Prince George's County Code be  
19 and the same is hereby added:

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

21 **DIVISION 2. TELECOMMUNICATIONS.**

22 Sec. 5A-159. through Sec. 5A-167. - Reserved.

23 **Sec. 5A-159. – Small Wireless Facilities**

24 (a) Generally: No person shall install, construct or operate a small wireless facility within  
25 the County without:

- 26 (1) Obtaining all permits required by this Code;
- 27 (2) Obtaining a recommendation by the TTFCC;
- 28 (3) Complying with all applicable Federal, State, and local laws, including, but  
29 not limited to, Subtitles 4, 5A, 9, 23 and 27 of this Code;
- 30 (4) Paying all required fees;
- 31 (5) Complying with all FCC safety rules, regulations, and standards for exposure



1 to radio frequency (RF) radiation.

2 (b) Small Wireless Facilities installed, mounted or operated within the County shall  
 3 adhere to the following requirements.

4 (1) Location.

5 (A) A small wireless facility shall not be located within 150 feet of the  
 6 nearest small wireless facility occupied or controlled by the same Person.

7 (B) A new or replacement support structure shall not be located within 15  
 8 feet of an existing tree. Additionally, installation or mounting of a small wireless facility must be  
 9 performed in a manner that attempts to preserve the existing tree canopy.

10 (C) A small wireless facility shall not be attached to an existing decorative  
 11 pole, which is defined as a structure that is specially designed and placed for aesthetic purposes  
 12 and which no appurtenances or attachments, other than lighting, specially designed informational  
 13 or directional signage, or temporary holiday or special events attachments, have been placed.

14 (D) Any small wireless facility shall be installed or mounted a minimum  
 15 of 30 feet from any residential dwelling unless a RF study requires more distance to comply with  
 16 FCC safety rules, regulations, and standards related to radio frequency (RF) radiation.

17 (E) Any small wireless facility installed in the public right-of-way or in an  
 18 easement shall be in alignment with the existing vertical infrastructure, streetlights, utility poles,  
 19 trees and shall not be closer than 3 feet, 6 inches from the curb or 6 feet from the end of the  
 20 paved section of the roadway if no curb exists.

21 (F) No small wireless facility shall be installed within 250 feet of an  
 22 elementary or secondary educational institution.

23 (G) No small wireless facility shall be installed on any County owned or  
 24 operated traffic signal.

25 (2) Co-location.

26 (A) A small wireless facility shall be collocated on an existing pole other  
 27 than a traffic signal in the public right-of-way.

28 (B) Upon a showing that the requirements of paragraph (A) would prohibit  
 29 or have the effect of prohibiting the provision of service, as evidenced by the written assessment  
 30 of a third-party licensed professional engineer, a small wireless facility shall be installed on a  
 31 replacement pole with a streetlight within 10 feet of an existing pole.

1                   (C) Upon a showing that the requirements of paragraphs (A) and (B)  
2 would prohibit or have the effect of prohibiting the provision of service, as evidenced by the  
3 written assessment of a third-party licensed professional engineer, a small wireless facility shall  
4 be installed on a new pole within 75 feet of an existing pole.

5                   (3) Height. The height of a small wireless facility shall be measured from the  
6 lowest point of the natural grade of the ground at the base of the pole to the highest point on the  
7 pole, to include any attached equipment and antennas.

8                   (A) A collocated small wireless facility on an existing pole shall not  
9 exceed the height of the existing poll by more than 10 feet.

10                  (B) Poles installed in the public right-of-way in a protected area and  
11 proximate to a roadway in protected area shall not exceed 30 feet.

12                  (C) Poles installed in the public right-of-way shall not exceed the greater  
13 of 50 feet or 10 feet greater than the tallest existing pole in the public right-of-way.

14                  (4) Protected Areas. Any small wireless facility installed or mounted in a  
15 protected area shall be a stealth design, which means that the design elements of the facility  
16 camouflage its presence by blending in and mimicking its surroundings, as is further described  
17 in the Design Manual.

18                  (5) Noise. All small wireless facilities shall comply with the provisions  
19 contained in Subtitle 19 – Pollution, Division 2 – Noise Control of this Code.

20                  (6) Radio Frequency (RF) Emissions.

21                  (A) All small wireless facilities shall comply with FCC rules and  
22 regulations for general public limits for human exposure to the radio frequency electromagnetic  
23 fields,

24                  (B) All small wireless facilities shall include signage at the location of a  
25 small wireless facility that lists the owner and operator of the facility and provide RF warnings.  
26 Signage shall comply with the Design Manual.

27                  (C) All small wireless facilities must have a feature allowing the  
28 immediate cessation of radio frequency (RF) emissions, and the Director or his designee shall  
29 be provided access to such feature.

30                  (7) Certifications and Inspections

31                  (A) The owner of a small wireless facility shall provide a certification

1 after installation that only equipment identified in the application was installed and all  
2 compliance measures as to RF emissions have been implemented.

3 (B) All Small Wireless Facilities may be subject to a post-installation  
4 inspection by the County for the purposes of verifying that only permitted equipment was  
5 installed, that equipment was installed in compliance with all applicable permits, and that the  
6 facility is in compliance with FCC safety rules, regulations, and standards related to radio  
7 frequency (RF) radiation.

8 (C) All Small Wireless Facilities may be subject to an annual inspection  
9 by the County to verify that the facility is in working order, operational and is in compliance  
10 with FCC safety rules, regulations, and standards related to radio frequency (RF) radiation.  
11 Inspections shall be subject inspection fee in accordance with a fee schedule published by the  
12 Director.;

13 (D) The County may conduct periodic inspections at any time to  
14 determine whether a Small Wireless Facility is installed and operated in compliance with all  
15 applicable laws, licenses, permits and certifications. This may include field testing for radio  
16 frequency (RF) emissions when deemed necessary by the County to ensure the public safety,  
17 health and welfare. Each small wireless facility owner is responsible for the cost of testing and  
18 any required mitigation to be compliant with FCC rules and regulations. Upon reasonable  
19 notice, the County may order that a Small Wireless Facility be disabled if it determines that the  
20 Facility is non-compliant with any applicable laws or regulations.

21 (E) Upon reasonable notice, the County may order that a Small Wireless  
22 Facility be disabled if it determines that the Facility is non-compliant with FCC rules and  
23 regulations related to radio frequency (RF) emissions or a danger to public safety. In the event  
24 of an emergency, the County may immediately disable the facility.

25 (c) Public Right-of-Way. No person may construct or operate a small wireless facility  
26 within the public right-of-way, or on any structure or support structure in the public right-of-  
27 way, without first entering into a fully executed Master License Agreement with the County as  
28 required by this Division and complying with all requirements listed in this Code.

29 (1) Any small wireless facilities placed in the public right-of-way must comply  
30 with the Design Manual in all respects, unless a waiver has been granted in accordance with the  
31 provisions of this Code.

1                   (2) All privileges granted by the issuance of relevant permits or the execution of  
2 a Master License Agreement shall be subordinate to the County’s use and any prior lawful  
3 occupancy of the public-right of way.

4                   (3) All small wireless facilities shall at all times be operated in compliance with  
5 all applicable Federal, State, and local laws.

6                   (d) Master License Agreement

7                   (1) The Director shall develop and make available a uniform Master License  
8 Agreement to be executed by each person applying to install a small wireless facility in the  
9 public right-of-way.

10                  (2) The uniform Master License Agreement shall include all provisions  
11 necessary to ensure the overall interests of public health, safety, and welfare, including, but not  
12 limited to, the following provisions:

13                         (A) an acknowledgement that the licensee may not place a small wireless  
14 facility in the public right-of-way without first obtaining any necessary permits;

15                         (B) a requirement that all small wireless facilities and related equipment  
16 must comply with FCC safety rules, regulations, and standards for exposure to radio frequency  
17 (RF) radiation;

18                         (C) a requirement that the installation, operation, and maintenance of the  
19 small wireless facility shall adhere to all provisions of this Code, the Design Manual, and any  
20 applicable County regulations,

21                         (D) a requirement that each small wireless facility must have a feature  
22 allowing the immediate cessation of radio frequency (RF) emissions, and that the owner shall  
23 provide the County with access to the feature to permit County employees, agents, or  
24 contractors to perform any required work in proximity to the small wireless facility,

25                         (E) a requirement that, at any time during the agreement, upon demand  
26 by the County, the licensee must submit a report, obtained at the licensee’s own expense and  
27 signed by a third-party licensed professional engineer, that demonstrates that:

28                                 (i) the facility is in working order,

29                                 (ii) the facility is in operation,

30                                 (iii) the facility is compliant with FCC safety rules, regulations,  
31 and standards related to

1 radio frequency (RF) radiation;

2 (F) a requirement that small wireless facility may not obstruct, impede or  
3 hinder the usual travel or public safety of pedestrians or vehicles on or in the public right-of-  
4 way, or may not obstruct the legal use of the public right-of-way by lawfully present utility  
5 providers.

6 (G) a requirement that small wireless facilities may not be installed or  
7 operated in a manner that violates the American with Disabilities Act.

8 (H) a requirement that the licensee shall notify the County, in writing,  
9 upon terminating operation of the facility, or of the facility becoming otherwise inactive, and  
10 that the licensee shall promptly remove the facility, and any structure that was newly  
11 constructed to support the small wireless facility.

12 (I) a requirement that any small wireless facility that the County  
13 determines has been inoperative for 12 consecutive months shall be deemed abandoned, and  
14 shall be removed by the County at the licensee's sole expense.

15 (J) a requirement that the licensee must remove or relocate the facility, at  
16 the licensee's sole expense, to accommodate any Federal, State, or County public work or  
17 improvement project.

18 (K) a requirement that any licensee whose actions cause damage to the  
19 public right-of-way, any objects located within the public right-of-way, and/or the property of  
20 any third party located within the Public Right-of-Way, shall be responsible for any necessary  
21 repairs at the licensee's sole expense.

22 (L) a requirement that the licensee must replace or modify any such  
23 facility in the event the County determines that replacement or modification is necessary for  
24 compliance with building and safety codes.

25 (M) a requirement that the licensee shall, at its sole expense, remove or  
26 relocate a small wireless facility and/or associated support if the County determines that the  
27 removal or relocation is necessary to protect the public health, safety and welfare of County  
28 residents or property, and that County may initiate such removal or relocation in the event of an  
29 emergency or imminent danger to health, safety, or property.

30 (N) authority for the County to seek any redress, both legal and equitable,  
31 necessary in the event the licensee fails to comply with any directive issued pursuant to this

1 Code, any regulations, or the Master License Agreement, or fails to remit any expense  
 2 attributable to such acts or omissions,

3 (O) a requirement that the licensee shall be responsible for the payment of  
 4 an annual fee for access to the public right-of-Way and/or attachment to County-owned  
 5 structures in the public right-of-way,

6 (P) a requirement that the licensee shall be responsible for the completion  
 7 of any make-ready work required for the installation or mounting of a small wireless facility.

8 (Q) a provision concerning the participation of County-based small-,  
 9 minority- and disadvantaged-owned businesses, and

10 (R) a requirement that licensees shall comply with the terms of the Master  
 11 License Agreement in all respects, and that any violations of the Master License Agreement shall  
 12 be subject to fines, penalties and forfeiture of the Master License Agreement as outlined in the  
 13 Master License Agreement.

14 (e) Private Property

15 (1) No person may install, construct or operate a small wireless facility on private  
 16 property without first having:

17 (A) obtained the written consent of the property owner and, if applicable,  
 18 easement holder,

19 (B) obtained required approval from any applicable regulatory agency or  
 20 utility, and

21 (C) obtained any permits required by this Code, after obtaining a  
 22 recommendation by the TTFCC.

23 (2) Any small wireless facility placed on private property must comply with all  
 24 applicable laws and regulations, including the zoning requirements of Subtitle 27 of this Code,  
 25 and the Design Manual.

26 (3) For the purposes of this Subtitle, any public utility easement is considered  
 27 private property.

28 (f) Waiver

29 (1) Upon a showing that the operation of any provision in Section 5A-159 or in  
 30 the Design Manual for Small Wireless Facilities would prohibit or have the effect of prohibiting  
 31 the provision of service, the Director is authorized to waive any such requirement but only to the

1 minimum extent required for compliance.

2 (2) A request to waive any provision of Section 5A-159 should be included in an  
3 Application at the time of submission to the TTFCC. A waiver request submitted at any point after  
4 the TTFCC’s acceptance of a complete Application shall be treated as a modification of an  
5 Application within the meaning of Sec. 5A-154(a)(5) and shall be subject to the provisions of that  
6 Section.

7 (3) In the event the Director denies a request to waive a requirement of Section 5A-  
8 159, the denial shall be set forth in a written decision that shall provide the basis and reasoning for  
9 the denial. The written decision shall be the final decision of the County for the purposes of the  
10 waiver request.

11 (g) Municipal Ordinances.

12 (1) The provisions of Section 5A-159 do not alter the authority of any  
13 municipality to regulate small wireless facilities in its right-of-way or preempt the adoption or  
14 operation of any ordinance enacted by a municipality to regulate small wireless facilities within  
15 its municipal right of way.

16 (2) A municipality that enacts an ordinance to regulate small wireless facilities  
17 within in its municipal right-of-way, or amends an existing ordinance to regulate small wireless  
18 facilities within its municipal right-of-way, shall file a copy of the ordinance with the TTFCC  
19 Coordinator.

20 \* \* \* \* \*

21 **SECTION 3. BE IT ENACTED** by the County Council of Prince George's County, Maryland,  
22 that Sections 23-102, 23-105, 23-112, 23-115, 23-120 through 23-123, 23-129 and 23-140 of the  
23 Prince George's County Code be and the same are hereby repealed and reenacted with the  
24 following amendments:

25 **SUBTITLE 23. ROADS AND SIDEWALKS.**

26 **DIVISION 1. GENERAL PROVISIONS.**

27 **Sec. 23-102. Definitions.**

28 \* \* \* \* \*

29 (b) The following words and phrases are hereby defined with respect to their use in this  
30 Subtitle:

31 \* \* \* \* \*

1 (6) **Design and Construction Standards.** The "[General] Specifications and  
2 Standards for [Highway] Roadways and [Street Construction] Bridges," the "Specifications and  
3 Standards for Highway Traffic Signals," and the Design Manual for Small Wireless Facilities of  
4 the Department of Public Works and Transportation, as adopted and amended from periodically  
5 as provided for by this Subtitle, together with the Design and Construction Standards specified  
6 herein, and the policies and procedures adopted pursuant to the authority of the Director of  
7 Public Works and Transportation as provided for by this Subtitle.

8 \* \* \* \* \*

9 (15.1) **Utility Designated Inspectors** mean utility staff inspectors or third-party  
10 inspectors of the utility's choosing and approved by the County. Utility staff eligible for training  
11 must be currently working in the inspection field as engineering technicians, or the appropriate  
12 equivalent, with construction inspection work experience.

13 \* \* \* \* \*

14 (17) **Road.** Any travel way or right-of-way, whether open or not, and any land area  
15 dedicated to public use, in a recorded deed or recorded plat of subdivision, for the purpose of, or  
16 used for, passage of vehicular or pedestrian traffic, together with adjacent appurtenant drainage  
17 ditches, channels, support slopes, structures, walks, and traffic control devices. This term shall  
18 embrace all ways designated as roads, streets, alleys, lanes, paths, highways, avenues, or terms of  
19 similar meaning.

20 \* \* \* \* \*

21 (F) **Private Road.** Any road which is not a public road. Alleys are considered  
22 private roads that are not maintained by the County.

23 \* \* \* \* \*

24 (20.1) **Small Wireless Facility** means a facility that meets each of the following  
25 conditions:

26 (i) the facility:

27 1. is mounted on a structure 50 feet or less in height, including the antenna,

28 or

29 2. is mounted on a structure no more than 10 percent taller than other

30 adjacent structures, or

31 3. does not extend the existing structure on which it is located to a height of



1 more than 50 feet or by more than 10 percent, whichever is greater;

2 (ii) each antenna associated with the facility, excluding associated equipment, is  
3 no more than three cubic feet in volume;

4 (iii) all other wireless equipment associated with the structure, including the  
5 equipment associated with the antenna and any pre-existing associated equipment on the  
6 structure, is no more than 28 cubic feet in volume; and

7 (iv) the facility does not result in human exposure to radio frequency (RF)  
8 radiation in excess of all applicable FCC safety standards.

9 (20.2) **Small Wireless Facility Permit** means a permit authorizing placement of a  
10 small wireless facility in the public right-of-way.

11 (20.3) **Small Wireless Facility Permittee** means a person applying for or holding a  
12 permit to place a small wireless facility in the public right-of-way

13 \* \* \* \* \*

14 (21) **Specifications.** The "General Specifications and Standards for [Highway and  
15 Street Construction] Roadways and Bridges" and the "Specifications and Standards for Highway  
16 Traffic Signals," and the Design Manual for Small Wireless Facilities of the Department of  
17 Public Works and Transportation, as adopted by this Subtitle and as amended from periodically  
18 as provided by this Subtitle, along with any construction specifications, general specifications,  
19 special conditions, and terms of any covenant or agreement referenced in a construction contract  
20 or a permit for road construction, as adopted pursuant to the authority of the Director as provided  
21 for by this Subtitle.

22 \* \* \* \* \*

23 **Sec. 23-105. - Authority of the Director.**

24 \* \* \* \* \*

25 (g) (1) The Director is authorized to waive, defer, or accept payment in lieu of compliance  
26 with the requirements of this Subtitle (except as provided in Subsection (h)), in whole or in part,  
27 where construction of road improvements is not practicable or desirable due to scattered  
28 ownership of lots in the area, insufficient right-of-way, or other factors determined by the  
29 Director to constitute an unreasonable hardship to the applicant or permittee, or hazard or  
30 nuisance to the public. Nothing herein shall be deemed to authorize the Director to waive or  
31 reduce any private right-of-way or easement standards set forth in Section 24-128 of this Code,

1 but the Director may increase these standards when deemed appropriate.

2 (2) As relates to a small wireless facility permit only, upon an Applicant’s showing that  
 3 enforcement of a requirement found in this Subtitle or in the Design Manual for Small Wireless  
 4 Facilities and this Subtitle would conflict with any applicable law, the Director is authorized to  
 5 waive any such requirement but only to the minimum extent required for compliance.

6 \* \* \* \* \*

7 **Sec. 23-112. - Application for permit.**

8 \* \* \* \* \*

9 (d) Application for a small wireless facility permit shall be made on forms provided by the  
 10 Director, and shall, when required by the Director, be accompanied by any document required in  
 11 the application, including, but not limited to:

12 (1) The name of the applicant, applicant’s Maryland address and contact information,  
 13 and if a corporation, documentation of authority to do business in the state of Maryland;

14 (2) The specifications applicable to the scope of work covered by the permit;

15 (3) The maintenance of traffic plan, if applicable;

16 (4) The proposed inspection plan;

17 (5) Suitable prints of detailed plans of the work;

18 (6) A filing fee in accordance with Section 23-115 for each application;

19 (7) Estimated cost of the work;

20 (8) The signature of the owner or authorized agent;

21 (9) Detailed construction plans describing proposed installation of the small wireless  
 22 facility and/or wireless support structure to be deployed, including any details, images,  
 23 manufacturer information and/or material specifications required by the County, including pre-  
 24 construction work, construction work, and restoration work required, along with a description of  
 25 the facilities and property that are subject of or affected the by application(s). This plan shall  
 26 clearly show existing features, utilities and right of way limits, and shall define required limits of  
 27 restoration of the county right of way;

28 (10) Written description of the proposed design and installation, including a statement  
 29 with intent with respect to location or co-location, as that term is defined in Subtitle 5A of this  
 30 Code;

31 (11) In the case of a proposed attachment to an existing utility pole not owned by the

1 County in the public right-of-way, an executed agreement or authorization from the owner of the  
2 utility pole;

3 (12) In the case of a proposed attachment to a County-owned facility located in the  
4 public right-of-way, an executed agreement with the County authorizing the attachment;

5 (13) A written report signed by a third-party licensed professional engineer that  
6 identifies all equipment that has RF emissions and will be installed at the site, and all factors  
7 relevant to the calculation of RF emissions, the formula used to calculate emissions, drawings  
8 showing RF emission levels, horizontal and vertical areas where exposures will be exceeded and  
9 recommended measures to mitigate exposure rates; and

10 (14) In the case of a proposed placement in the public right-of-way, a Master License  
11 Agreement executed by the applicant, as established and required by Subtitle 5A of this Code;

12 (15) Proof of Insurance in an amount commensurate to that required by application and  
13 property access agreement.

14 (16) Proof that the proposed facilities will not generate noise above the level allowable  
15 in Subtitle 19 – Pollution, Division 2 – Noise Control of this Code.

16 (17) A valid maintenance permit.

17 (18) A bond approved prior to permit issuance.

18 \* \* \* \* \*

19 **Sec. 23-115. – Permit fees.**

20 (a) The fee for issuance of any road construction permit required by this ordinance,  
21 excepting a utility permit fee for a public utility, small wireless facility permit fee for work in the  
22 public right-of-way, or a haul road permit fee for operation of a haul road, shall be ten percent  
23 (10%) of the cost of the work as estimated by the Department. The estimated cost for this  
24 purpose shall not include the contingency allowance. In no event, shall the amount of the fee be  
25 less than Twenty-Five Dollars (\$25.00). The fee for issuance of any road construction permit  
26 shall be dedicated solely to the provision of staff and administrative services used to issue road  
27 construction permits, subject to appropriation.

28 \* \* \* \* \*

29 (d) The fee for issuance of a utility permit and a small wireless facility permit for work in  
30 the public right of way are established in the Table of Fees published by the Director. These fees  
31 are further explained in the “Specifications and Standards for Roadways and Bridges,” the

1 “Design Manual for Small Wireless Facilities,” and the “Policy and Specification for Utility  
2 Installation and Maintenance.”

3 \* \* \* \* \*

4 **Sec. 23-120. - Other types of permits.**

5 \* \* \* \* \*

6 (d) Small Wireless Facility Permit.

7 (1) Placement of small wireless facilities requires a recommendation of approval from  
8 the Telecommunications Transmission Facility Coordinating Committee as required by Subtitle  
9 5A prior to the issuance of any permits.

10 (2) Placement of small wireless facilities in the public right-of-way requires a permit  
11 from the Department for all work performed within the public right-of-way related to new  
12 installation or the repair or modification of the facility. A separate permit shall be required for  
13 each new installation, major repair, or modification to the system located within the improved  
14 portion of the public right-of-way.

15 (3) The scope of work for a permit for a new installation of a small wireless facilities  
16 shall include all work necessary to make the facility ready for the actual provision of  
17 telecommunications services. Accordingly, the scope of work that must be completed under a  
18 small wireless facility permit shall include, at a minimum, the installation and provisioning of all  
19 power and backhaul components necessary for the operation of the facility.

20 (4) The Director may issue, at his discretion, but consistent with the Design Manual, a  
21 maintenance permit or permits for the performance of maintenance and minor repair work within  
22 the public right-of-way, and establish the conditions for operation under the permit(s) so issued.  
23 Maintenance permits may be issued for a period of up to one year.

24 (5) If a contractor has performed work on behalf of small wireless permittee in the  
25 County without a permit three or more times within one year, the contractor after written  
26 notification of each instance of noncompliance shall be prohibited from performing work in the  
27 public right-of-way for a period of up to 12 months. Pursuant to the provisions of Section 23-108  
28 of this Code, there is a right of appeal to the Director. Decisions of the Director may be appealed  
29 to the Board of Administrative Appeals. Bonding and permit fees shall be in accordance with this  
30 Subtitle. Persons performing work without a permit may be fined in accordance with Subtitle 23.

31 \* \* \* \* \*

**Sec. 23-121. - Time for work; commencement and expiration of permit.**

\* \* \* \* \*

(2) Other Types of Permits. Permits for other than road and storm drainage construction, such as utilities, small wireless facilities, driveways, leadwalks, planting, sodding or seeding, minor grading, or haul roads, shall be valid for a period of time consistent with the scope of work, but in no case, less than [three (3)] six (6) months.

\* \* \* \* \*

**Sec. 23-122. - Extension; fees for extension.**

\* \* \* \* \*

(b) Fee for extension:

(1) A fee in the amount of twenty-five percent (25%) of the original permit fee, but not less than Twenty-Five Dollars (\$25.00), shall be charged for an extension of a valid permit (not to include road construction, utility permits, small wireless facility permits, or haul road permits).

(2) The fee for an extension of a road construction permit shall be twenty-five percent (25%) of the original permit fee. Where the percentage of completion of a road construction permit exceeds ninety percent (90%) as determined by the Department, the permit fee shall be a maximum of Seven Hundred Fifty Dollars (\$750.00).

(3) The fee for extension of a utility permit and a small wireless facility permit for work in the public right of way are established in the Table of Fees published by the Director. These fees are further explained in the “Specifications and Standards for Roadways and Bridges,” the “Design Manual for Small Wireless Facilities,” and the “Policy and Specification for Utility Installation and Maintenance.”

\* \* \* \* \*

**Sec. 23-123. – Inspection and notice.**

\* \* \* \* \*

(a) Notice. For utility and small wireless facility permits, the permittee shall post notice in the following situations:

\* \* \* \* \*

(b) Inspection; penalty for noninspection.

(1) Upon request from a utility or small wireless facility permittee, the Department

1 shall provide training and approval to utility designated inspectors and third-party inspectors to  
2 inspect permitted work to verify that the compaction and roadway restoration and repaving work  
3 has been performed in compliance with the Prince George's County Code and Specifications. For  
4 non-emergency work, all utilities and small wireless facility permittees, or their contractors  
5 doing compaction, right-of-way and roadway restoration and repaving work under a utility  
6 permit or a maintenance permit are required to provide for a utility designated staff inspector or  
7 an independent third-party inspector both of whom must be approved by the County to perform  
8 an inspection to ensure that the permitted compaction, right of way and roadway restoration and  
9 repaving work is in compliance with the Prince George's County Code and Specifications. The  
10 permittee shall, during the hours of work, make available to the inspector and to other employees  
11 of the Department the construction work, materials, plans, and specifications.

12 (2) The permittee may not commence construction of storm drainage, sidewalk, curb  
13 and gutter, or pavement unless the Department or Department-approved independent third-party  
14 inspector has conducted an inspection and given approval to the subgrade and concrete form  
15 work. In addition, where water and sewer utilities are involved, the permittee shall notify WSSC  
16 immediately after base paving to obtain a preliminary paving clearance certificate, and notify  
17 WSSC again after final paving to obtain a final paving clearance certificate.

18 \* \* \* \* \*

19 (d) Compliance; penalties.

20 (1) The permittee, including utilities, small wireless facility permittees, agents,  
21 contractors, and subcontractors shall comply with all requirements of the permit, including  
22 sediment and erosion control, either before or during the course of construction.

23 \* \* \* \* \*

24 **Sec. 23-129. - General construction requirements for existing or proposed County roads.**

25 \* \* \* \* \*

26 (j) Utility cuts.

27 (1) No person, including any utility and/or small wireless facility permittee, shall cut  
28 any road for the purpose of installing, connecting, repairing, or otherwise modifying  
29 underground gas, electric power, water, sewer, storm water, telephone or cable lines, or other  
30 utility without first obtaining a permit from the Director. Any person, including utilities with a  
31 valid utility permit or small wireless facility permit, shall be required to provide the Department

1 with forty-eight (48) hours' notice prior to cutting the pavement. Said notice shall include the  
2 location, type, timing, and extent of the cut.

3 (2) Except in an emergency, no utility, small wireless facility permittee, or person  
4 shall be allowed to cut into any road pavement for a period of [three (3)] five years from the date  
5 of acceptance of the road construction in the case of new road construction, or completion of  
6 pavement resurfacing in the case of maintenance or improvement to an existing road. The  
7 placement of all new utilities and small wireless facilities shall be accomplished, to the  
8 maximum practicable extent as determined by the Director, by tunneling, jacking, boring, or  
9 other means which will avoid disturbing the pavement. This subparagraph shall not be effective  
10 until two (2) years after a utility location protocol is approved as part of the Design and  
11 Construction Standards.

12 (3) Any utility and/or small wireless facility permittee which cuts, and then  
13 subsequently repairs a pavement with either a temporary or permanent patch, shall mark the  
14 patch or adjacent pavement surface to identify the utility responsible for the pavement cut.  
15 Temporary patches may be designated using paint or other approved markers. Permanent  
16 pavement patches shall be designated using an approved marker manufactured and installed in  
17 accordance with the Design and Construction Standards. After written notification of  
18 noncompliance, utilities and small wireless facility permittees not in compliance with this  
19 standard may be fined Five Hundred Dollars (\$500.00) per violation of Subsection 23-129(j)(3)  
20 of this Code.

21 \* \* \* \* \*

22 (9) Restoration and Repairs.

23 \* \* \* \* \*

24 (C) It shall be the sole responsibility of the permittee to protect property  
25 adjacent to, and within the area of, the cut, including sidewalks, driveways, shrubbery, trees,  
26 buildings, lawns, or other objects during construction and maintenance. In the event that a  
27 utility(ies) or small wireless facility permittee cuts the pavement in so many places or in such a  
28 way that the road surface or subgrade deteriorates over time resulting in numerous pavement  
29 failures or a poor riding surface such that the road must be resurfaced or reconstructed as a direct  
30 result of the utility cuts and pavement repairs, the Director may instruct the utility company(ies)  
31 or small wireless facility permittee to resurface or reconstruct the roadway as the Director may

determine. Failure to repair the roadway in a timely fashion shall result in the suspension of any existing permits.

\* \* \* \* \*

(k) Signage. Permittees, to include but not be limited to public utilities and small wireless facility permittees, working in or immediately adjacent to a public right-of-way shall be required to post a sign on the property line, or in such other location as the Director may prescribe, which shall be clearly visible from the road without creating a traffic safety problem and shall remain in place until such time as all work has been completed. Where the work is performed by a public utility and/or small wireless facility provider, the sign shall remain in place until such time as the permanent pavement repair has been completed. The sign shall be constructed of all-weather material, be a minimum of twelve (12) inches by twenty-four (24) inches in size, with black letters on a white background stating a minimum of the following:

\* \* \* \* \*

**Sec. 23-140. – Street lighting.**

\* \* \* \* \*

(g) All small wireless facility permittees shall comply with Sec. 23-144, the Design and Construction Standards, and the Design Manual for Small Wireless Facilities when locating small wireless facilities on street light poles.

\* \* \* \* \*

SECTION 4. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 23-147 of the Prince George's County Code be and the same is hereby added:

**SUBTITLE 23. ROADS AND SIDEWALKS.**

**DIVISION 1. GENERAL PROVISIONS.**

**23-147. – Installation of Small Wireless Facilities**

(a) Small wireless facilities installed on a utility pole, street light pole, or other replacement or new pole require:

- (1) issuance of all permits required by this Code;
- (2) compliance with all provisions of this Code, the Master License Agreement required by Subtitle 5A, any applicable regulations, and the County’s Design and Construction Standards.

(b) Permittees shall install small wireless facilities pursuant to the location requirements



1 listed in Subtitle 5A, Section 5A-159.

2 (c) The small wireless facility provider shall bear the cost to repair, replace or relocate their  
3 facility and pole if damaged or when it must be relocated and to remove an existing pole that was  
4 replaced.

5 \* \* \* \* \*

6  
7 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared  
8 to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,  
9 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent  
10 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,  
11 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the  
12 same would have been enacted without the incorporation in this Act of any such invalid or  
13 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

1 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
2 calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Todd M. Turner  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
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.