

PROPOSED

AMENDED
July 20, 2020

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 23

Bill No. 53-20

Introduced by Mr. Volke and Ms. Fiedler

By the County Council, June 15, 2020

Introduced and first read on June 15, 2020
Public Hearing set for and held on July 20, 2020
Public Hearing on AMENDED bill set for September 8, 2020
Bill Expires September 18, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: ~~Public Works—County Rights-of-Way—Zoning – Small~~
2 ~~Cell Systems— Commercial Telecommunication Facilities~~

3
4 FOR the purpose of ~~requiring~~ amending the conditional and special exception use
5 requirements to require technical analyses for ~~certain small cell systems and~~
6 ~~commercial telecommunication facilities that will proposed~~ to be located ~~within a~~
7 ~~certain distance of County-owned property or on~~ property used for a public school; and
8 generally relating to ~~public works and zoning.~~

9
10 ~~BY repealing and reenacting, with amendments: §§ 13-3-106; and 18-10-146(b)(2)(ii) and~~
11 ~~(iii)~~
12 ~~Anne Arundel County Code (2005, as amended)~~

13
14 BY adding: §§ 18-10-114(13); and 18-11-117(9)
15 Anne Arundel County Code (2005, as amended)

16
17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
18 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

~~ARTICLE 13. PUBLIC WORKS~~

~~TITLE 3. PERMITS FOR USE OF COUNTY RIGHTS-OF-WAY~~

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 **13-3-106. Small cell systems.**

2
3 ~~(A) **Scope.** THIS SECTION APPLIES TO A SMALL CELL SYSTEM, AS DEFINED IN § 18-1-101~~
4 ~~OF THIS CODE, LOCATING IN COUNTY RIGHTS OF WAY OR ATTACHING TO COUNTY ASSETS~~
5 ~~AND IS IN ADDITION TO OTHER REQUIREMENTS OF THIS TITLE.~~

6
7 ~~(B) **Lease or license agreement required.** [[In addition to the other requirements of~~
8 ~~this title, any small cell system, as defined in § 18-1-101 of this Code, locating in County~~
9 ~~rights of way or attaching to County assets]] THE DEVELOPER OF A SMALL CELL SYSTEM~~
10 ~~shall enter into a lease or license agreement with the County in a form provided by the~~
11 ~~County, the terms of which [[will]] SHALL include:~~

12
13 (1) ~~compliance with all requirements of this title;~~

14
15 (2) ~~compliance with all requirements of § 18-10-146 of this Code;~~

16
17 (3) ~~requirements to remove a small cell system at the owner's expense if the system~~
18 ~~is no longer needed;~~

19
20 (4) ~~provisions relating to the County's rights and owner's obligations if a small~~
21 ~~cell system is abandoned;~~

22
23 (5) ~~the fees for the use of the County rights of way and attaching to County assets;~~

24
25 (6) ~~requirements for insurance related to the small cell system and indemnification~~
26 ~~of the County; and~~

27
28 (7) ~~bonding requirements, including bonding against the failure to remove any~~
29 ~~abandoned or improperly placed small cell system and failure of the owner of the small~~
30 ~~cell system to pay any outstanding amounts due to the County.~~

31
32 ~~(C) **Small cell systems within 250 feet of certain property.** THE DEVELOPER OF A~~
33 ~~SMALL CELL SYSTEM PROPOSED TO BE LOCATED WITHIN 250 FEET OF THE LOT LINE OF~~
34 ~~COUNTY OWNED PROPERTY OR THE LOT LINE OF A PROPERTY USED FOR A PUBLIC~~
35 ~~SCHOOL SHALL PROVIDE A TECHNICAL ANALYSIS CERTIFIED BY A REGISTERED~~
36 ~~PROFESSIONAL ENGINEER DEMONSTRATING TO THE SATISFACTION OF THE COUNTY THAT~~
37 ~~THE PROPOSED PLACEMENT IS ESSENTIAL TO THE FUNCTIONALITY OF THE CELLULAR~~
38 ~~NETWORK AND THERE ARE NO REASONABLE ALTERNATIVE LOCATIONS FOR THE SYSTEM.~~

39
40 **ARTICLE 18. ZONING**

41
42 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

43
44 **18-10-114. Commercial telecommunication facilities.**

45
46 A commercial telecommunication facility shall comply with all of the following
47 requirements.

48
49 (13) ~~FOR A STRUCTURE PERMANENTLY LOCATED ON THE GROUND PROPOSED TO~~
50 ~~BE LOCATED WITHIN 250 FEET OF THE LOT LINE OF COUNTY OWNED PROPERTY OR THE~~
51 ~~LOT LINE OF ON PROPERTY USED FOR A PUBLIC SCHOOL, THE DEVELOPER SHALL PROVIDE~~

1 A TECHNICAL ANALYSIS CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER TO
2 DEMONSTRATE TO THE SATISFACTION OF THE COUNTY THAT THE STRUCTURE IS
3 ~~ESSENTIAL NECESSARY~~ TO THE FUNCTIONALITY OF THE CELLULAR NETWORK AND
4 THERE ARE NO REASONABLE ALTERNATIVE LOCATIONS FOR THE SYSTEM.
5

6 **18-10-146. Small cell systems.**

7
8 (b) ~~Requirements.~~ A small cell system on private property shall comply with all of the
9 following requirements:

10
11 (2) ~~(ii) As part of the application AND APPROVAL process, the developer of a system~~
12 ~~shall provide:~~

13
14 1. ~~detailed plans describing the installation, collocation, modification, or~~
15 ~~attachment, including any certifications that may be required;~~

16
17 2. ~~a preconstruction survey;~~

18
19 3. ~~a description of any necessary make-ready work being performed by the~~
20 ~~developer;~~

21
22 4. ~~a proposed schedule for completion, certified by a licensed professional~~
23 ~~engineer; [[and]]~~

24
25 5. ~~A TECHNICAL ANALYSIS CERTIFIED BY A REGISTERED PROFESSIONAL~~
26 ~~ENGINEER TO DEMONSTRATE TO THE SATISFACTION OF THE COUNTY THAT A SYSTEM~~
27 ~~PROPOSED TO BE LOCATED WITHIN 250 FEET OF THE LOT LINE OF COUNTY OWNED~~
28 ~~PROPERTY OR THE LOT LINE OF PROPERTY USED FOR A PUBLIC SCHOOL IS ESSENTIAL TO~~
29 ~~THE FUNCTIONALITY OF THE CELLULAR NETWORK AND THERE ARE NO REASONABLE~~
30 ~~ALTERNATIVE LOCATIONS FOR THE SYSTEM; AND~~

31
32 [[5]] 6. any other information required by the County that will allow the County
33 to properly evaluate:

34
35 A. ~~the safety of the installation, collocation, modification, or~~
36 ~~attachment; and~~

37
38 B. ~~the compatibility of the installation in the neighborhood in which the~~
39 ~~installation is to be located, as set forth in the aesthetic standards promulgated by the~~
40 ~~County, which will include screening, spacing, height, and design of system and poles, and~~
41 ~~underground installation of wiring.~~

42
43 (iii) ~~[[Developer]] THE DEVELOPER of a system may file a consolidated~~
44 ~~application for wireless provider's facilities to be collocated within the County pursuant to~~
45 ~~guidelines established by the County.~~

46
47 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

48
49 **18-11-117. Commercial telecommunication facilities.**

1 A commercial telecommunication facility shall comply with all of the following
2 requirements.

3
4 (9) FOR A STRUCTURE PERMANENTLY LOCATED ON THE GROUND PROPOSED TO BE
5 ~~LOCATED WITHIN 250 FEET OF THE LOT LINE OF COUNTY OWNED PROPERTY OR THE LOT~~
6 ~~LINE OF~~ ON PROPERTY USED FOR A PUBLIC SCHOOL, THE DEVELOPER SHALL PROVIDE A
7 TECHNICAL ANALYSIS CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER TO
8 DEMONSTRATE TO THE SATISFACTION OF THE COUNTY THAT THE STRUCTURE IS
9 ~~ESSENTIAL~~ NECESSARY TO THE FUNCTIONALITY OF THE CELLULAR NETWORK AND
10 THERE ARE NO REASONABLE ALTERNATIVE LOCATIONS FOR THE SYSTEM.

11
12 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
13 from the date it becomes law.