

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 17

Bill No. 87-22

Introduced by Mr. Volke

By the County Council, September 19, 2022

---

Introduced and first read on September 19, 2022  
Public Hearing set for October 17, 2022  
Bill Expires on November 1, 2022

By Order: Laura Corby, Administrative Officer

---

## A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works and Zoning – Small Cell Systems and  
2 Commercial Telecommunication Facilities on Scenic or Historic Roads

3  
4 FOR the purpose of requiring that a developer submit a certified technical analysis that  
5 demonstrates the need for a small cell system or commercial telecommunication facility  
6 to be located along a scenic or historic road located south of Maryland Route 214 in  
7 Anne Arundel County as a condition precedent to project approval; making certain  
8 technical changes; and generally relating to public works and zoning.

9  
10 BY repealing and reenacting, with amendments: § 13-3-106; and 18-11-117(8)  
11 Anne Arundel County Code (2005, as amended)

12  
13 BY adding: §§ 18-10-115(13); and 18-10-155(b)(11)  
14 Anne Arundel County Code (2005, as amended)

15  
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
17 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.  
Asterisks \*\*\* indicate existing Code provisions in a list or chart that remain unchanged.

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

2  
3 (A) **Definition.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5  
6 (1) "SCENIC OR HISTORIC ROAD" HAS THE MEANING STATED IN ARTICLE 17 OF THIS  
7 CODE.

8  
9 (2) "SMALL CELL SYSTEM" HAS THE MEANING STATED IN ARTICLE 18 OF THIS CODE.  
10

11 (B) **Scope.** THIS SECTION APPLIES TO A SMALL CELL SYSTEM LOCATING IN COUNTY  
12 RIGHTS-OF-WAY OR ATTACHING TO COUNTY ASSETS AND IS IN ADDITION TO THE OTHER  
13 REQUIREMENTS OF THIS TITLE.

14  
15 (C) [[In addition to the other requirements of this title, any small cell system, as defined  
16 in § 18-1-101 of this Code, locating in County rights-of-way or attaching to County assets]]  
17 THE DEVELOPER OF A SMALL CELL SYSTEM shall enter into a lease or license agreement  
18 with the County in a form provided by the County, the terms of which [[will]] SHALL  
19 include:

20  
21 (1) compliance with all requirements of this title;

22  
23 (2) compliance with all requirements of § 18-10-155 of this Code;

24  
25 (3) requirements to remove a small cell system at the owner's expense if the system  
26 is no longer needed;

27  
28 (4) provisions relating to the County's rights and owner's obligations if a small cell  
29 system is abandoned;

30  
31 (5) the fees for the use of the County rights-of-way and attaching to County assets;

32  
33 (6) requirements for insurance related to the small cell system and indemnification  
34 of the County; and

35  
36 (7) bonding requirements, including bonding against the failure to remove any  
37 abandoned or improperly placed small cell system and failure of the owner of the small  
38 cell system to pay any outstanding amounts due to the County.

39  
40 (D) **Small cell systems on scenic or historic roads.** THE DEVELOPER OF A SMALL CELL  
41 SYSTEM PROPOSED TO BE LOCATED ON A SCENIC OR HISTORIC ROAD SOUTH OF  
42 MARYLAND ROUTE 214 SHALL PROVIDE A TECHNICAL ANALYSIS CERTIFIED BY A  
43 REGISTERED PROFESSIONAL ENGINEER DEMONSTRATING TO THE SATISFACTION OF THE  
44 COUNTY THAT THE PROPOSED PLACEMENT IS NECESSARY TO THE FUNCTIONALITY OF  
45 THE CELLULAR NETWORK AND THERE ARE NO REASONABLE ALTERNATIVE LOCATIONS  
46 FOR THE SYSTEM.

47  
48 **ARTICLE 18. ZONING**

49  
50 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

1 **18-10-115. Commercial telecommunication facilities.**

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

5  
6 \*\*\*

7  
8 (13) FOR A STRUCTURE PERMANENTLY LOCATED ON THE GROUND PROPOSED TO  
9 BE LOCATED ON A SCENIC OR HISTORIC ROAD THAT IS SOUTH OF MARYLAND ROUTE 214,  
10 THE DEVELOPER SHALL PROVIDE A TECHNICAL ANALYSIS CERTIFIED BY A REGISTERED  
11 PROFESSIONAL ENGINEER TO DEMONSTRATE TO THE SATISFACTION OF THE COUNTY  
12 THAT THE STRUCTURE IS NECESSARY TO THE FUNCTIONALITY OF THE CELLULAR  
13 NETWORK AND THERE ARE NO REASONABLE ALTERNATIVE LOCATIONS FOR THE SYSTEM.  
14

15 **18-10-155. Small cell systems.**

16  
17 (b) **Requirements.** A small cell system on private property shall comply with all of the  
18 following requirements.

19  
20 \*\*\*

21  
22 (11) THE DEVELOPER OF A SYSTEM PROPOSED TO BE LOCATED ON A SCENIC OR  
23 HISTORIC ROAD SOUTH OF MARYLAND ROUTE 214 SHALL PROVIDE A TECHNICAL  
24 ANALYSIS CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER DEMONSTRATING TO  
25 THE SATISFACTION OF THE COUNTY THAT THE PROPOSED PLACEMENT IS NECESSARY TO  
26 THE FUNCTIONALITY OF THE CELLULAR NETWORK AND THERE ARE NO REASONABLE  
27 ALTERNATIVE LOCATIONS FOR THE SYSTEM.  
28

29 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

30  
31 **18-11-117. Commercial telecommunication facilities.**

32  
33 A commercial telecommunication facility shall comply with all of the following  
34 requirements.

35  
36 \*\*\*

37  
38 (8) The facility shall meet the requirements of § 18-10-115(2) through ~~[(12)]~~ (13).  
39

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