

EXHIBIT 1
CITY OF GLENARDEN ADMINISTRATIVE REGULATION 2019-01
WIRELESS FACILITIES AND SUPPORT STRUCTURES

1 **Ordinance:** O-04-2019
2 **Introduced By:** Deborah Eason, Council President
3 **Co-Sponsor:** At the Request of the Administration
4 **Public Hearing:** January 22, 2019
5 **Session:** Special Regular Session
6 **Date of Introduction:** February 26, 2019
7

8 **An Emergency Ordinance whereby the City of Glenarden**
9 **amends Chapter 142 of the City of Glenarden Code in order to**
10 **regulate the installation and construction of wireless facilities**
11 **and supporting structures.**

12 **WHEREAS**, the United States Government, via the Federal Communications
13 Commission, has taken action that undermines the authority of the City of Glenarden to regulate
14 the installation, appearance, and location of wireless facilities and supporting structures if the City
15 does not have certain regulatory and/or legislative authority in place by certain dates; and
16

17 **WHEREAS**, Local Government Article § 5-202(1), (2) & (5) of the Maryland Code grants
18 to municipalities the power to adopt ordinances to assure the good government of the municipality,
19 to protect and preserve the municipality's rights, property and privileges, and to protect the health,
20 comfort, and convenience of the residents of the municipality; and
21

22 **WHEREAS**, Section 601 of the City Charter grants to the City Council the power to pass
23 all such ordinances, resolutions and laws not contrary to the Constitution and laws of the State of
24 Maryland or this Charter as it may deem necessary for the good government of the City in order
25 to promote health, safety, comfort, convenience, welfare and happiness of the residents of the City
26 and visitors thereto and sojourners therein; and
27

28 **WHEREAS**, pursuant to Articles X and XI of the City's Charter and Chapter 142 of the
29 City Code, the City has near absolute authority to regulate construction, installation of
30 improvements, or modification of any structure in, on, over, and under, the City's rights of way,
31 streets and sidewalks; and
32

33 **WHEREAS**, the City deems it to be necessary and appropriate to provide certain standards
34 and regulations relating to the location, placement, design, construction and maintenance of
35 telecommunications towers, antennas and other structures within the City's public rights of ways,
36 and providing for the enforcement of said standards and regulations, consistent with federal and
37 state law limitations on that authority; and
38

39 **WHEREAS**, Section 308 of the City's Charter permits the emergency ordinances to be
40 introduced and passed at any regular or special meeting upon the affirmative vote of five members
41 of the Council.
42

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1 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Glenarden
2 in special regular session assembled that Chapter 142 of the City Code is hereby amended to add
3 Article VI as follows:

Chapter 142

ARTICLE VI

WIRELESS FACILITIES AND SUPPORTING STRUCTURES

4 **§ 142-26. Application for Permit.**

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12 A. The installation of wireless facilities and support structures in a City right-of-way shall
13 require a permit under this chapter. No permit shall be issued with respect to the installation of
14 wireless facilities or support structures in, on or over any City street, sidewalk, or right-of-way
15 unless and until the permit applicant and the City have negotiated and executed a franchise or
16 right-of-way use agreement setting forth the terms and conditions, including fair compensation to
17 the City, for applicants' use of City right-of-way, and where applicable, lease payments for the use
18 of any City-owned poles or facilities.

19
20 B. In addition to the other information required by this article, an application for such a permit
21 shall submit the following information pertaining to particular sites or a proposed deployment:

22
23 1. A technical description of the proposed facilities, along with detailed diagrams
24 accurately depicting all proposed facilities and support structures;

25
26 2. A detailed deployment plan describing construction planned for the 12-month
27 period following the issuance of the permit, and a description of the completed deployment;

28
29 3. An engineering certification relating to the proposed construction signed by a
30 professional engineer licensed in Maryland;

31
32 4. A statement describing the applicant's intentions with respect to co-location;

33
34 5. A statement demonstrating the permittee's duty to comply with applicable safety
35 standards for the proposed activities in the City rights-of-way;

36
37 6. In the case of a proposed attachment to a City-owned facility located in the City
38 rights-of-way, an executed attachment agreement with the City;

39
40 7. In the case of a proposed attachment to an investor-owned utility pole in the rights-
41 of-way, an executed attachment agreement with the utility pole owner; and

42
43 8. Such other information as the City Manager may require.

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1
2 **§ 142-28. Exceptions.**
3

4 No permit shall be issued with respect to any City street, sidewalk, or right-of-way where, in the
5 judgment of the City Council, sufficient capacity no longer exists for additional facilities to be
6 placed in the proposed location without jeopardizing the physical integrity of utilities or other
7 facilities already present in the proposed location, or the safe and efficient vehicular or pedestrian
8 use of the street, sidewalk, or right-of-way.
9

10 **§ 142-29. Violations.**
11

12 Violations of Article VI of this Chapter shall be municipal infractions subject to the maximum
13 penalties set forth in Maryland Code, § 6-101, et seq. of the Local Government Article and as
14 amended. Nothing herein shall prevent the City of Glenarden from seeking all relief available
15 under the law with respect to any violation of Article VI, including, but not limited to, seeking
16 injunctive and declaratory relief.
17

18 **AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the
19 application thereof to any person or circumstance is held invalid for any reason, such invalidity
20 shall not affect the other provisions or any other applications of the Ordinance which can be given
21 effect without the invalid provision or applications, and to this end, all the provisions of this
22 Ordinance are hereby declared to be severable;
23

24 **AND BE IT FURTHER ORDAINED**, that this Ordinance is an Emergency Ordinance
25 and shall be effective immediately upon passage by the Council and signing by the Mayor;
26

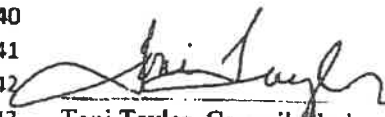
27 **AND BE IT FURTHER ORDAINED**, that a fair summary of this ordinance shall
28 forthwith be published twice in a newspaper having general circulation in the City and otherwise
29 be made available to the public.
30

31 **INTRODUCED** by the City Council of the City of Glenarden, Maryland, at a regular
32 public meeting on January 22, 2019.
33


34 **ADOPTED** by the City Council of the City of Glenarden, Maryland, at a special regular
35 session on February 26, 2019.
36

37 Date Approved: February 26, 2019
38

39 **ATTEST:**

40
41
42 
43 Toni Taylor, Council Clerk

City Council of Glenarden


Deborah A. Eason, Council President

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James A. Herring
James Herring, Council Vice President

Edward Estes, Mayor

Carolyn Smallwood
Carolyn Smallwood, Councilwoman

Robin Jones
Robin Jones, Councilwoman

Celestine E. Wilson
Celestine E. Wilson, Councilwoman

- Absent -
Angela D. Ferguson, Councilwoman

- absent -
Donjuan Williams, Councilman

Yea - 5 -
Nay - 0 -
Abstain - 0 -

Approved for form and legal sufficiency this ____ day of
February, 2019.

Kevin Karpinski
Kevin Karpinski, City Attorney

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- 1 ~~{ }~~ indicate deletions
- 2 Underline indicates additions
- 3 Asterisks * * * Indicate matter retained in existing law but omitted herein
- 4 **Effective Date: February __, 2019**
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- 6
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CITY OF GLENARDEN ADMINISTRATIVE REGULATION 2019-01
Chapter 142 of the City Code
Wireless Facilities and Support Structures
Adopted February 26, 2019.

I. City Authority Over Rights of Way, City Streets, and Sidewalks.

Pursuant to the City's Charter and Code, including, but not limited to Articles X and XI, of the City's Charter and Chapter 142 of the City's Code, the City has near absolute authority to regulate construction, installation of improvements, or modification of any structure in, on, over, and under, the City's rights of way, streets and sidewalks.

II. Adoption of Regulation.

A. Pursuant to the authority granted to the City Manager by the City of Glenarden's Charter and Code, I hereby adopt regulatory authority for which wireless facilities and support structures shall be governed within the City of Glenarden, Maryland, until such a time as these regulations are superseded by legislative action of the City. The regulations that shall govern from the effective date in part III, *infra*, are set forth in the draft City of Glenarden ordinance for Wireless Facilities and Support Structures, a copy of which is attached hereto and incorporated herein by reference as Exhibit 1.

B. The fee for the permit application and review shall be \$1,500.

C. Permit application and review by the City's Permit Review Board shall not exceed 120 days. The City Council may grant one 60-day extension. Thereafter, the City Council may only grant an extension for good cause shown.

D. If the City Permit Review Board denies the permit, the decision may be appealed to the City Council. The City Council's decision shall be final.

III. Effective Date.

This regulation is effective on February 26, 2019.

City of Glenarden



Eddie Tobias, Acting City Manager



Witness

3/15/19 9:45am
Date/Time

CITY OF GLENARDEN ADMINISTRATIVE REGULATION 2019-02

Chapter 142 of the City Code

Wireless Facilities and Support Structures

Effective Date April 15, 2019.

I. City Authority Over Rights of Way, City Streets, and Sidewalks.

A. Pursuant to the City's Charter and Code, including, but not limited to Articles X and XI, of the City's Charter, and Chapter 142 of the City's Code, the City has near absolute authority to regulate construction, installation of improvements, or modification of any structure in, on, over, and under, the City's rights of way, streets and sidewalks.

B. Pursuant Chapter 142, of the City of Glenarden Code, the City Manager is authorized to adopt regulations related to Wireless Facilities and Support Structures.

II. Adoption of Regulation.

A. Pursuant to the authority granted to the City Manager by the City of Glenarden's Charter and Code, in the absence of fees set by Council, the fees shall be as follows:

1. Permit application and review shall be \$1,000 for non-recurring fees for a new pole (not a co-location) to support one or more Small Wireless Facilities

2. Permit application and review shall be \$500 for a single up-front application that includes up to five small wireless facilities with an additional \$100 for each small wireless facility beyond five; or

3. \$270 per small wireless facility per year for all reoccurring fees, including any right of way access.

B. The City of Glenarden's Wireless Facilities and Support Structures Standards and Utility Permit Application and Review Checklist are established and incorporated herein by reference.

III. Effective Date.

This regulation is effective on April 15, 2019, and supersedes any conflicting prior regulation.

City of Glenarden



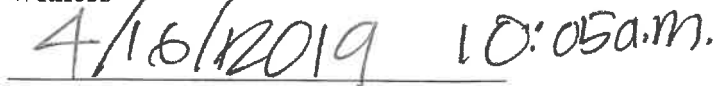
Eddie Tobias, City Manager

Attest:



Michelle Clew

Witness



Date/Time