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**MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**  
**Ordinance No. 2020-04**

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**Introduced By: Mayor Ashby**  
**Date Introduced: May 5, 2020 and reintroduced May 11, 2020**  
**Amendments Adopted: N/A**  
**Date Adopted: June 2, 2020**  
**Date Effective: June 22, 2020**

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**AN ORDINANCE** concerning  
**WIRELESS TELECOMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY**

**FOR** the purpose of providing certain standards and regulations relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way, consistent with federal and state law; providing for fees and annual charges; establishing design guidelines for small wireless telecommunications towers, antennas, and other structures; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in the Town of Perryville.

**BY** adding  
Chapter 80, Wireless Telecommunications Facilities in Public Rights-Of-Way  
Article 1, General Requirements  
Sections 80-1 through 80-13, inclusive  
Code of the Town of Perryville

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Key:  
CAPS : Indicate matter added to existing law.

35 **BY** adding  
36 Chapter 80, Wireless Telecommunications Facilities in Public Rights-Of-Way  
37 Article 2, Design Guidelines  
38 Sections 80-14 through 80-26, inclusive  
39 Code of the Town of Perryville  
40

41 **WHEREAS**, pursuant to §5-201, *et seq.*, of the Local Government Article,  
42 Annotated Code of Maryland, the Town of Perryville (hereinafter, the “Town”) has the power  
43 to pass such ordinances as it deems necessary to protect the health, safety and welfare of the  
44 citizens of the municipality and to prevent and remove nuisances; and  
45

46 **WHEREAS**, §5-202 of the Local Government Article of the Annotated Code of  
47 Maryland provides that the Mayor and Commissioners of the Town of Perryville have the  
48 authority to pass such ordinances as it deems necessary to preserve peace and good order, and to  
49 protect the health, comfort and convenience of the residents of the municipality; and  
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51 **WHEREAS**, the Town Charter, Article VIII, “Public Ways”, §802, “Authority to  
52 Control”, authorizes the Town to control its rights-of-way and maintain the rights-of-way  
53 in good condition; and  
54

55 **WHEREAS**, the Mayor and Commissioners determined that it is in the public  
56 interest to provide for regulation of, and design guidelines for, the installation of wireless  
57 telecommunications facilities in the Town’s rights-of-way that is consistent with federal and  
58 State law; Now therefore,  
59

60 **SECTION 1. BE IT ENACTED, BY THE MAYOR AND COMMISSIONERS**  
61 **OF THE TOWN OF PERRYVILLE** that new Chapter 80, “Wireless Telecommunications  
62 Facilities in Public Rights-Of-Way”, consisting of Article 1. General Requirements, Sections  
63 80-1 through 80-13, inclusive, and Article 2, Design Guidelines, Sections 80-14 through 80-26,  
64 inclusive, be and they are hereby added to the Code of the Town of Perryville to follow  
65 immediately after Chapter 78 of the Code and to read as follows:  
66

67 **CHAPTER 80, WIRELESS TELECOMMUNICATIONS FACILITIES**  
68 **IN PUBLIC RIGHTS-OF-WAY**  
69

70 **ARTICLE 1. GENERAL REQUIREMENTS**  
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72 **SECTION 80-1. SCOPE.**  
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74 **A. IN GENERAL. THIS CHAPTER AUTHORIZES ONLY THE**  
75 **INSTALLATION OF SMALL WIRELESS FACILITIES IN THE TOWN RIGHTS-**  
76 **OF-WAY. UNLESS EXEMPTED, EVERY PERSON WHO DESIRES TO PLACE A**  
77 **SMALL WIRELESS FACILITY IN A TOWN RIGHT-OF-WAY, INCLUDING**  
78 **DEPLOYMENT OF PERSONAL WIRELESS SERVICE INFRASTRUCTURE, OR TO**

79 MODIFY AN EXISTING SMALL WIRELESS FACILITY, INCLUDING WITHOUT  
80 LIMITATION FOR THE:

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- (1) COLLOCATION OF A SMALL WIRELESS FACILITY;
- (2) ATTACHMENT OF A SMALL WIRELESS FACILITY TO A POLE OWNED BY AN AUTHORITY;
- (3) INSTALLATION OF A POLE; OR
- (4) MODIFICATION OF A SMALL WIRELESS FACILITY OR A POLE,

MUST OBTAIN A WIRELESS PLACEMENT PERMIT AUTHORIZING THE PLACEMENT OR MODIFICATION.

B. EXEMPTIONS. THE FOLLOWING ARE EXEMPTED FROM THE REQUIREMENTS OF THIS CHAPTER:

- (1) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES ON SUPPORTING STRUCTURES OWNED, OR UNDER THE CONTROL OF, THE TOWN, THE USE OF WHICH IS SUBJECT TO A CONTRACT FOR USE OF THE FACILITY BETWEEN THE TOWN AND THE ENTITY OR ENTITIES THAT OWN OR CONTROL THE WIRELESS TELECOMMUNICATIONS FACILITY;
- (2) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES BY THE TOWN OR BY ANY OTHER AGENCY OF THE STATE SOLELY FOR PUBLIC SAFETY PURPOSES.
- (3) MODIFICATIONS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT MAKES NO MATERIAL CHANGE TO THE FOOTPRINT OF THE FACILITY OR TO THE SURFACE OR SUBSURFACE OF A PUBLIC STREET IF THE ACTIVITY DOES NOT DISRUPT OR IMPEDE TRAFFIC IN THE TRAVELED PORTION OF A STREET, AND IF THE WORK ACTIVITY DOES NOT CHANGE THE VISUAL OR AUDIBLE CHARACTERISTICS OF THE WIRELESS TELECOMMUNICATIONS FACILITY. THE TOWN, BY REGULATION, MAY ALSO EXEMPT WIRELESS TELECOMMUNICATIONS FACILITIES THAT OTHERWISE ARE SUBJECT TO THE PROVISIONS OF THIS SECTION FROM THE OBLIGATION TO OBTAIN A PERMIT TO INSTALL OR MODIFY A WIRELESS TELECOMMUNICATIONS FACILITY WHERE IT IS DETERMINED THAT BECAUSE OF THE PHYSICAL

123 CHARACTERISTICS OF THE PROPOSED FACILITIES, AND THE WORK  
124 ASSOCIATED WITH THEM, SUCH A PERMIT IS NOT REQUIRED TO  
125 PROTECT THE PUBLIC HEALTH, WELFARE OR SAFETY, TO  
126 MAINTAIN THE CHARACTER OF A NEIGHBORHOOD OR CORRIDOR,  
127 OR TO OTHERWISE SERVE THE PURPOSES OF THIS ORDINANCE.  
128

129 (4) INSTALLATION OF A MOBILE CELL FACILITY OR A SIMILAR  
130 STRUCTURE FOR A TEMPORARY PERIOD IN CONNECTION WITH AN  
131 EMERGENCY OR EVENT, BUT NO LONGER THAN REQUIRED FOR  
132 THE EMERGENCY OR EVENT AND NOT TO EXCEED TEN DAYS,  
133 PROVIDED THAT INSTALLATION DOES NOT INVOLVE EXCAVATION,  
134 MOVEMENT OR REMOVAL OF EXISTING FACILITIES, AT LEAST 30  
135 DAYS WRITTEN NOTIFICATION IS PROVIDED TO THE TOWN PRIOR  
136 TO AN EVENT, AND CONSENT FOR PLACEMENT IS GRANTED. FOR  
137 PURPOSES OF THIS PARAGRAPH THE FOLLOWING TERMS HAVE THE  
138 MEANINGS INDICATED:  
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140 I. "EMERGENCY" MEANS A SERIOUS, UNEXPECTED, AND OFTEN  
141 DANGEROUS SITUATION REQUIRING IMMEDIATE ACTION.  
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143 II. "EVENT" MEANS A PUBLIC OR SOCIAL OCCASION PLANNED  
144 FOR A PARTICULAR TIME AND PLACE.  
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146 (5) A MICRO WIRELESS FACILITY STRUNG BETWEEN TWO UTILITY  
147 POLES AND PROVIDED FURTHER THAT THE INSTALLATION DOES  
148 NOT REQUIRE REPLACEMENT OF THE STRAND, OR EXCAVATION,  
149 MODIFICATION OR REPLACEMENT OF THE UTILITY POLES.  
150

151 C. OTHER APPLICABLE REQUIREMENTS. IN ADDITION TO THE  
152 WIRELESS TELECOMMUNICATIONS PERMIT REQUIRED BY THIS CHAPTER,  
153 THE PLACEMENT OF A WIRELESS TELECOMMUNICATIONS FACILITY IN  
154 THE PUBLIC RIGHTS-OF-WAY REQUIRES THE PERSONS WHO WILL OWN  
155 OR CONTROL THOSE FACILITIES TO OBTAIN THE FRANCHISES, LICENSE  
156 AGREEMENTS AND PERMITS REQUIRED BY APPLICABLE LAW, AND TO  
157 COMPLY WITH APPLICABLE LAW, INCLUDING, BUT NOT LIMITED TO,  
158 APPLICABLE LAW GOVERNING RADIO FREQUENCY (RF) EMISSIONS.  
159 NOTHING IN THIS CHAPTER PRECLUDES THE TOWN FROM APPLYING ITS  
160 GENERALLY APPLICABLE HEALTH, SAFETY, AND WELFARE REGULATIONS  
161 WHEN GRANTING CONSENT FOR A SMALL WIRELESS FACILITY OR WIRELESS  
162 SUPPORT STRUCTURE IN THE TOWN'S RIGHT-OF-WAY.  
163

164 D. PUBLIC USE. EXCEPT AS OTHERWISE PROVIDED BY MARYLAND  
165 LAW, ANY USE OF A RIGHT-OF-WAY AUTHORIZED PURSUANT TO THIS

166 CHAPTER IS SUBORDINATE TO THE TOWN'S USE AND USE BY THE  
167 PUBLIC.

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169 **SECTION 80-2. DEFINITIONS.**

170

171 TERMS USED IN THIS ARTICLE SHALL HAVE THE FOLLOWING MEANINGS:

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173 A. APPLICATION: A FORMAL REQUEST, INCLUDING ALL REQUIRED  
174 AND REQUESTED DOCUMENTATION AND INFORMATION SUBMITTED BY  
175 AN APPLICANT TO THE TOWN FOR A WIRELESS PLACEMENT PERMIT.

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177 B. APPLICANT: A PERSON FILING AN APPLICATION FOR PLACEMENT OR  
178 MODIFICATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE  
179 RIGHTS-OF-WAY.

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181 C. ANTENNA: AN APPARATUS DESIGNED TO EMIT RADIO FREQUENCY (RF)  
182 AND OPERATE FROM A FIXED LOCATION TO PROVIDE WIRELESS SERVICES.

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184 D. ANTENNA EQUIPMENT: EQUIPMENT, SWITCHES, WIRING, CABLING,  
185 POWER SOURCES, SHELTERS OR CABINETS ASSOCIATED WITH AN ANTENNA,  
186 LOCATED AT THE SAME FIXED LOCATION AS THE ANTENNA, AND, WHEN  
187 COLLOCATED ON A STRUCTURE, IS MOUNTED OR INSTALLED AT THE SAME  
188 TIME AS SUCH ANTENNA.

189

190 E. APPLICABLE LAWS/CODES: UNIFORM BUILDING, FIRE, SAFETY,  
191 ELECTRICAL, PLUMBING, OR MECHANICAL CODES ADOPTED BY A  
192 RECOGNIZED NATIONAL CODE ORGANIZATION TO THE EXTENT SUCH CODES  
193 HAVE BEEN ADOPTED BY THE TOWN, INCLUDING ANY AMENDMENTS  
194 ADOPTED BY THE TOWN, OR OTHERWISE ARE APPLICABLE IN THE TOWN. THE  
195 TERM INCLUDES THE REGULATIONS OF THE FEDERAL COMMUNICATIONS  
196 COMMISSION AND THE OCCUPATIONAL SAFETY AND HEALTH  
197 ADMINISTRATION AS WELL AS ANY TOWN OR CECIL COUNTY STANDARDS OR  
198 REGULATIONS GOVERNING THE USE OF RIGHTS-OF-WAY.

199

200 F. BASE STATION: BASE STATION SHALL HAS THE SAME MEANING AS  
201 IN 47 C.F.R. SECTION 1.40001.

202

203 G. CERTIFICATE OF COMPLETION: A DOCUMENT THAT IS REQUIRED  
204 FROM AND ISSUED BY THE TOWN CONFIRMING THAT ALL WORK  
205 DESCRIBED IN THE APPLICATION, AS APPROVED:

206

207 (1) WAS PROPERLY PERMITTED, INCLUDING, WITHOUT LIMITATION,  
208 ALL REQUIRED PERMITS FOR BUILDING, ELECTRICAL WORK,  
209 STREET OR CURB CUTTING, AND EXCAVATION;

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- (2) WAS DONE IN COMPLIANCE WITH AND FULFILLMENT OF ALL CONDITIONS OF ALL PERMITS, INCLUDING ALL STATED DEADLINES;
- (3) WAS FULLY CONSTRUCTED AND/OR PLACED AS APPROVED AND PERMITTED; AND
- (4) WAS FINALLY INSPECTED BY THE TOWN, AND WAS APPROVED BY THE TOWN AFTER THE FINAL INSPECTION.

H. COLLOCATE: TO INSTALL OR MOUNT A SMALL WIRELESS FACILITY IN THE PUBLIC RIGHT-OF-WAY ON AN EXISTING SUPPORT STRUCTURE, AN EXISTING TOWER, OR ON AN EXISTING POLE TO WHICH A SMALL WIRELESS FACILITY IS ATTACHED AT THE TIME OF THE APPLICATION. "COLLOCATION" HAS A CORRESPONDING MEANING.

I. MAKE-READY WORK: WORK THAT AN AUTHORITY REASONABLY DETERMINES TO BE REQUIRED TO ACCOMMODATE A WIRELESS INFRASTRUCTURE PROVIDER'S INSTALLATION UNDER THIS CHAPTER AND TO COMPLY WITH ALL APPLICABLE STANDARDS. THE WORK MAY INCLUDE, BUT IS NOT LIMITED TO, REPAIR, REARRANGEMENT, REPLACEMENT AND CONSTRUCTION OF POLE; INSPECTIONS; ENGINEERING WORK AND CERTIFICATION; PERMITTING WORK; TREE TRIMMING (OTHER THAN TREE TRIMMING PERFORMED FOR NORMAL MAINTENANCE PURPOSES); SITE PREPARATION; AND ELECTRICAL POWER CONFIGURATION. THE TERM DOES NOT INCLUDE A WIRELESS INFRASTRUCTURE PROVIDER'S ROUTINE MAINTENANCE.

J. RIGHT-OF-WAY: THE TERM RIGHT-OF-WAY INCLUDES ANY PORTION OF ANY STREET, ROAD OR PUBLIC WAY WHICH THE TOWN HAS THE RESPONSIBILITY TO MAINTAIN OR MANAGE.

K. MICRO WIRELESS FACILITY: A SMALL WIRELESS FACILITY HAVING DIMENSIONS NO LARGER THAN 24 INCHES IN LENGTH, 15 INCHES IN WIDTH AND 12 INCHES IN HEIGHT AND AN EXTERIOR ANTENNA, IF ANY, NO LONGER THAN 11 INCHES.

L. SMALL WIRELESS FACILITY: A SMALL WIRELESS FACILITY IS A WIRELESS TELECOMMUNICATIONS FACILITY. CONSISTENT WITH CODE OF FEDERAL REGULATIONS, SUBPART U, PART 1 OF TITLE 47, "STATE AND LOCAL GOVERNMENT REGULATION OF THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICE FACILITIES", A FACILITY THAT MEETS EACH OF THE FOLLOWING CONDITIONS:

- 254 (1) THE STRUCTURE ON WHICH ANTENNA FACILITIES ARE MOUNTED:
- 255 I. IS 50 FEET OR LESS IN HEIGHT, OR
- 256 II. IS NO MORE THAN 10 PERCENT TALLER THAN OTHER  
257 ADJACENT STRUCTURES, OR
- 258 III. IS NOT EXTENDED TO A HEIGHT OF MORE THAN 10 PERCENT  
259 ABOVE ITS PREEXISTING HEIGHT AS A RESULT OF THE  
260 COLLOCATION OF NEW ANTENNA FACILITIES; AND
- 261 (2) EACH ANTENNA (EXCLUDING ASSOCIATED ANTENNA EQUIPMENT) IS  
262 NO MORE THAN THREE CUBIC FEET IN VOLUME; AND
- 263 (3) ALL ANTENNA EQUIPMENT ASSOCIATED WITH THE FACILITY  
264 (EXCLUDING ANTENNAS) ARE CUMULATIVELY NO MORE THAN 28  
265 CUBIC FEET IN VOLUME; AND
- 266 (4) THE FACILITY DOES NOT REQUIRE ANTENNA STRUCTURE  
267 REGISTRATION;
- 268 (5) THE FACILITY DOES NOT RESULT IN HUMAN EXPOSURE TO  
269 RADIOFREQUENCY RADIATION IN EXCESS OF THE APPLICABLE  
270 SAFETY STANDARDS SPECIFIED BY FEDERAL LAW
- 271 M. SUPPORT STRUCTURE: ANY STRUCTURE CAPABLE OF SUPPORTING A  
272 BASE STATION.
- 273
- 274 N. TOWER: ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY  
275 PURPOSE OF SUPPORTING ANY FCC-LICENSED OR AUTHORIZED  
276 ANTENNAS AND THEIR ASSOCIATED FACILITIES, INCLUDING  
277 STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS  
278 COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO,  
279 PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS  
280 UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH  
281 AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE. THIS  
282 DEFINITION DOES NOT INCLUDE UTILITY POLES.
- 283
- 284 O. UTILITY POLE: A STRUCTURE IN THE RIGHT-OF-WAY DESIGNED TO  
285 SUPPORT ELECTRIC, TELEPHONE AND SIMILAR UTILITY LINES. A TOWER  
286 IS NOT A UTILITY POLE.
- 287
- 288 P. WIRELESS PERMIT: A PERMIT ISSUED PURSUANT TO THIS CHAPTER  
289 AND AUTHORIZING THE PLACEMENT OR MODIFICATION OF A WIRELESS  
290 TELECOMMUNICATIONS FACILITY OF A DESIGN SPECIFIED IN THE  
291 PERMIT AT A PARTICULAR LOCATION WITHIN THE RIGHTS-OF-WAY; AND

292 THE MODIFICATION OF ANY EXISTING SUPPORT STRUCTURE TO WHICH  
293 THE WIRELESS TELECOMMUNICATIONS FACILITY IS PROPOSED TO BE  
294 ATTACHED.

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296 Q. WIRELESS SERVICE PROVIDER. AN ENTITY THAT PROVIDES WIRELESS  
297 SERVICES TO END USERS.

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299 R. WIRELESS INFRASTRUCTURE PROVIDER: A PERSON THAT OWNS,  
300 CONTROLS, OPERATES OR MANAGES A WIRELESS TELECOMMUNICATION  
301 FACILITY OR PORTION THEREOF WITHIN THE RIGHT-OF-WAY.

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303 S. WIRELESS REGULATIONS: THOSE REGULATIONS ADOPTED TO  
304 IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

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306 T. WIRELESS TELECOMMUNICATIONS FACILITY, OR FACILITY:  
307 EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS  
308 COMMUNICATIONS BETWEEN USER EQUIPMENT AND A  
309 COMMUNICATIONS NETWORK INCLUDING WITHOUT LIMITATION RADIO  
310 TRANSCEIVERS, ANTENNAS, BASE STATION, UNDERGROUND WIRING,  
311 COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER  
312 SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF  
313 TECHNOLOGICAL CONFIGURATION.

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315 **SECTION 80-3. GENERAL STANDARDS FOR WIRELESS**  
316 **TELECOMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY.**

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318 A. GENERALLY. WIRELESS TELECOMMUNICATIONS FACILITIES  
319 SHALL MEET THE MINIMUM REQUIREMENTS SET FORTH IN THIS  
320 CHAPTER AND ANY WIRELESS REGULATIONS APPROVED BY THE  
321 BOARD OF COMMISSIONERS, IN ADDITION TO THE REQUIREMENTS OF  
322 ANY OTHER APPLICABLE LAW.

323  
324 B. REGULATIONS. THE WIRELESS REGULATIONS AND  
325 ADMINISTRATIVE DECISIONS ON APPLICATIONS FOR PLACEMENT OF  
326 WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY  
327 OR ON TOWN PROPERTY SHALL, AT A MINIMUM, ENSURE THAT THE  
328 REQUIREMENTS OF THIS SECTION ARE SATISFIED, UNLESS IT IS  
329 DETERMINED THAT APPLICANT HAS ESTABLISHED THAT DENIAL OF AN  
330 APPLICATION WOULD, WITHIN THE MEANING OF FEDERAL LAW,  
331 PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF PERSONAL  
332 WIRELESS SERVICES, OR OTHERWISE VIOLATE APPLICABLE LAWS OR  
333 REGULATIONS. IF THAT DETERMINATION IS MADE, THE REQUIREMENTS  
334 OF THIS CHAPTER AND ANY TOWN WIRELESS REGULATIONS MAY BE  
335 WAIVED, BUT ONLY TO THE MINIMUM EXTENT REQUIRED TO AVOID



336 THE PROHIBITION.

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338 C. STANDARDS. WIRELESS TELECOMMUNICATIONS FACILITIES  
339 SHALL BE INSTALLED AND MODIFIED IN A MANNER THAT:

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341 (1) MINIMIZES RISKS TO PUBLIC SAFETY, AVOIDS PLACEMENT OF  
342 ABOVE GROUND FACILITIES IN UNDERGROUND AREAS, AVOIDS  
343 INSTALLATION OF NEW SUPPORT STRUCTURES OR EQUIPMENT  
344 CABINETS IN THE PUBLIC RIGHTS-OF-WAY, MAXIMIZES USE OF  
345 EXISTING STRUCTURES AND POLES, AVOIDS PLACEMENT IN  
346 RESIDENTIAL AREAS WHEN COMMERCIAL AREAS ARE  
347 REASONABLY AVAILABLE, AND OTHERWISE MAINTAINS THE  
348 INTEGRITY AND CHARACTER OF THE NEIGHBORHOODS AND  
349 CORRIDORS IN WHICH THE FACILITIES ARE LOCATED;

350

351 (2) ENSURES THAT INSTALLATIONS ARE SUBJECT TO PERIODIC  
352 REVIEW TO MINIMIZE THE INTRUSION ON THE RIGHTS-OF-WAY;

353

354 (3) UNLESS APPROVED BY THE TOWN, ANY WIRELESS  
355 TELECOMMUNICATIONS FACILITY MUST BE LOCATED NO CLOSER  
356 THAN:

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358 I. TWO (2) FEET FROM ANY CURB, SIDEWALK, OR OTHER  
359 IMPROVEMENT WITHIN THE RIGHT-OF-WAY; AND

360

361 II. FIVE (5) FEET FROM ANY DRIVEWAY APRON; AND

362

363 BE OTHERWISE LOCATED TO AVOID INTERFERENCE WITH  
364 PEDESTRIAN AND MOTORIST SIGHTLINES AND USE.

365

366 (4) ENSURES THAT THE TOWN BEARS NO RISK OR LIABILITY AS A  
367 RESULT OF THE INSTALLATIONS, AND THAT SUCH USE DOES NOT  
368 INCONVENIENCE THE PUBLIC, INTERFERE WITH THE LEGAL USES  
369 OF THE PUBLIC RIGHTS OF WAY OR PUBLIC ASSETS BY OTHERS,  
370 OR HINDER THE ABILITY OF THE TOWN OR OTHER GOVERNMENT  
371 AGENCIES TO IMPROVE, MODIFY, RELOCATE, ABANDON OR  
372 VACATE THE PUBLIC RIGHTS-OF-WAY OR ANY PORTION  
373 THEREOF, OR TO CAUSE THE IMPROVEMENT, MODIFICATION,  
374 RELOCATION, VACATION OR ABANDONMENT OF FACILITIES IN  
375 THE RIGHTS-OF-WAY.

376

377 (5) ENSURES THAT LOCATION OF FACILITIES ON EXISTING POLES OR  
378 STRUCTURES IS WITHIN THE TOLERANCE OF THOSE POLES OR  
379 STRUCTURES.

380  
381 D. CONCEALMENT. PERMITS FOR WIRELESS  
382 TELECOMMUNICATIONS FACILITIES SHALL INCORPORATE SPECIFIC  
383 CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, AND  
384 DESIGN REQUIREMENTS ENSURING COMPLIANCE WITH ALL  
385 STANDARDS FOR NOISE EMISSIONS. UNLESS IT IS DETERMINED THAT  
386 ANOTHER DESIGN IS LESS INTRUSIVE, OR PLACEMENT IS REQUIRED  
387 UNDER APPLICABLE LAW:

388

389 (1) ANTENNAS LOCATED AT THE TOP OF SUPPORT STRUCTURES  
390 SHALL BE INCORPORATED INTO THE STRUCTURE, OR PLACED  
391 WITHIN SHROUDS OF A SIZE SUCH THAT THE ANTENNA APPEARS  
392 TO BE PART OF THE SUPPORT STRUCTURE.

393

394 (2) ANTENNAS PLACED ELSEWHERE ON A SUPPORT STRUCTURE  
395 SHALL BE INTEGRATED INTO THE STRUCTURE, OR BE DESIGNED  
396 AND PLACED TO MINIMIZE VISUAL IMPACT.

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398 (3) RADIO UNITS OR EQUIPMENT CABINETS HOLDING RADIO UNITS  
399 AND MOUNTED ON A UTILITY POLE SHALL BE PLACED AS HIGH  
400 AS POSSIBLE ON A SUPPORT STRUCTURE, LOCATED TO AVOID  
401 INTERFERING WITH, OR CREATING ANY HAZARD TO, ANY OTHER  
402 USE OF THE PUBLIC RIGHTS-OF-WAY, AND LOCATED ON ONE SIDE  
403 OF THE UTILITY POLE. UNLESS THE RADIO UNITS OR EQUIPMENT  
404 CABINETS CAN BE CONCEALED BY APPROPRIATE TRAFFIC  
405 SIGNAGE, RADIO UNITS OR EQUIPMENT CABINETS MOUNTED  
406 BELOW THE COMMUNICATIONS SPACE ON UTILITY POLES SHALL  
407 BE DESIGNED SO THAT THE LARGEST DIMENSION IS VERTICAL,  
408 AND THE WIDTH IS SUCH THAT THE RADIO UNITS OR EQUIPMENT  
409 CABINETS ARE MINIMALLY VISIBLE FROM THE OPPOSITE SIDE OF  
410 THE SUPPORT STRUCTURE ON WHICH THEY ARE PLACED.

411

412 (4) WIRING AND CABLING SHALL BE NEAT AND CONCEALED  
413 WITHIN OR FLUSH TO THE SUPPORT STRUCTURE, ENSURING  
414 CONCEALMENT OF THESE COMPONENTS TO THE GREATEST  
415 EXTENT POSSIBLE.

416

417 (5) GROUND-MOUNTED EQUIPMENT ASSOCIATED WITH A WIRELESS  
418 TELECOMMUNICATIONS FACILITY SHALL BE PERMITTED ONLY  
419 WHERE CONSISTENT WITH THE PORTION OF THE CORRIDOR IN  
420 WHICH IT IS TO BE PLACED, AND MAY BE REQUIRED TO BE  
421 UNDERGROUND, LOCATED IN ALLEYS OR OTHERWISE SHIELDED.  
422 IN NO EVENT MAY GROUND-MOUNTED EQUIPMENT INTERFERE  
423 WITH PEDESTRIAN OR VEHICULAR TRAFFIC.

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(6) NO PERMIT SHALL BE ISSUED OR EFFECTIVE UNLESS IT IS SHOWN THAT THE WIRELESS TELECOMMUNICATIONS FACILITY WILL COMPLY WITH FEDERAL COMMUNICATION COMMISSION ("FCC") REGULATIONS GOVERNING RADIO FREQUENCY ("RF") EMISSIONS. EVERY WIRELESS FACILITY SHALL AT ALL TIMES COMPLY WITH APPLICABLE FCC REGULATIONS GOVERNING RF EMISSIONS, AND FAILURE TO COMPLY THEREWITH SHALL BE A TREATED AS A MATERIAL VIOLATION OF THE TERMS OF ANY PERMIT OR LEASE.

(7) NO TOWERS SHALL BE PERMITTED IN THE PUBLIC RIGHTS-OF-WAY, AND NO WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE PERMITTED ABOVE-GROUND IN UNDERGROUND AREAS; PROVIDED THAT THE TOWN MAY PERMIT PLACEMENTS WHERE ALL ELEMENTS OF THE WIRELESS TELECOMMUNICATIONS FACILITY ARE CONCEALED AND THE FACILITY DOES NOT APPEAR TO A CASUAL OBSERVER TO BE A WIRELESS TELECOMMUNICATIONS FACILITY.

(8) NO PERMIT SHALL ISSUE EXCEPT TO WIRELESS SERVICE PROVIDERS WITH IMMEDIATE PLANS FOR USE OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY; OR TO WIRELESS INFRASTRUCTURE PROVIDERS WITH CONTRACTS WITH WIRELESS SERVICE PROVIDERS WHICH REQUIRE THE SERVICE PROVIDER IMMEDIATELY TO USE THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.

(9) UNLESS APPROPRIATELY PLACED, AND CONCEALED, SO THAT THE SIZE OF THE FACILITY CANNOT BE INCREASED EXCEPT WITH THE DISCRETIONARY APPROVAL OF THE TOWN, NO WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN RIGHTS-OF-WAY IN ALLEYS.

**SECTION 80-4. APPLICATION SUBMISSION REQUIREMENTS AND FINAL INSPECTION.**

A. SUBMISSION. APPLICANT SHALL SUBMIT A PAPER COPY AND AN ELECTRONIC COPY OF ANY APPLICATION, AMENDMENTS OR SUPPLEMENTS TO AN APPLICATION, OR RESPONSES TO REQUESTS FOR INFORMATION REGARDING AN APPLICATION, TO THE TOWN ADMINISTRATOR OR DESIGNEE.

B. CONTENT. AN APPLICATION MUST CONTAIN:

- 468 (1) THE NAME OF THE APPLICANT, ITS TELEPHONE NUMBER AND  
469 CONTACT INFORMATION, AND IF THE APPLICANT IS A WIRELESS  
470 INFRASTRUCTURE PROVIDER, THE NAME AND CONTACT  
471 INFORMATION FOR THE WIRELESS SERVICE PROVIDER THAT WILL  
472 BE USING THE WIRELESS TELECOMMUNICATIONS FACILITY;  
473
- 474 (2) A COMPLETE DESCRIPTION OF THE PROPOSED WIRELESS  
475 TELECOMMUNICATIONS FACILITY AND THE WORK THAT WILL BE  
476 REQUIRED TO INSTALL OR MODIFY IT, INCLUDING BUT NOT  
477 LIMITED TO DETAIL REGARDING PROPOSED EXCAVATIONS, IF ANY;  
478 DETAILED SITE PLANS SHOWING THE LOCATION OF THE WIRELESS  
479 TELECOMMUNICATIONS FACILITY; A PRE-CONSTRUCTION SURVEY;  
480 A PROPOSED SCHEDULE FOR COMPLETION, CERTIFIED BY A LICENSED  
481 PROFESSIONAL ENGINEER; A CERTIFICATION BY A RADIO FREQUENCY  
482 ENGINEER THAT THE TELECOMMUNICATIONS FACILITY WILL COMPLY  
483 WITH THE RADIO FREQUENCY RADIATION EMISSION STANDARDS  
484 ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION; AND A  
485 DESCRIPTION OF THE DISTANCE TO THE NEAREST RESIDENTIAL  
486 DWELLING UNIT AND ANY CONTRIBUTING HISTORICAL  
487 STRUCTURE WITHIN 500 FEET OF THE FACILITY. BEFORE AND  
488 AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED. THE  
489 ELECTRONIC VERSION OF AN APPLICATION MUST BE IN A  
490 STANDARD FORMAT THAT CAN BE EASILY UPLOADED ON A WEB  
491 PAGE FOR REVIEW BY THE PUBLIC.  
492
- 493 (3) AN APPLICATION FOR MODIFICATION OF AN ELIGIBLE SUPPORT  
494 STRUCTURE MUST CONTAIN INFORMATION SUFFICIENT TO SHOW  
495 THAT THE APPLICATION QUALIFIES UNDER OF 47 C.F.R. SECTION  
496 1.40001. THE APPLICATION MUST RELATE TO AN EXISTING  
497 WIRELESS TELECOMMUNICATIONS FACILITY THAT HAS BEEN  
498 APPROVED BY THE TOWN PURSUANT TO THIS ARTICLE. BEFORE  
499 AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED  
500 WITH DETAILED SPECIFICATIONS DEMONSTRATING THAT THE  
501 MODIFICATION DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL  
502 DIMENSIONS OF THE EXISTING APPROVED STRUCTURE.  
503
- 504 (4) AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED IN THE  
505 FORMAT AND MANNER SPECIFIED BY THE TOWN ADMINISTRATOR.  
506 APPLICATIONS MUST CONTAIN ALL INFORMATION REQUIRED BY  
507 THIS SECTION AND BY ANY WIRELESS REGULATIONS TO  
508 DEMONSTRATE THAT APPLICANT IS ENTITLED TO THE PERMIT  
509 REQUESTED.  
510
- 511 (5) APPLICANT MUST PROVIDE ANY INFORMATION UPON WHICH IT

512 RELIES IN SUPPORT OF A CLAIM THAT DENIAL OF THE  
513 APPLICATION WOULD PROHIBIT OR EFFECTIVELY PROHIBIT THE  
514 PROVISION OF SERVICE IN VIOLATION OF FEDERAL LAW, OR  
515 OTHERWISE VIOLATE APPLICABLE LAW. APPLICANTS MAY NOT  
516 SUPPLEMENT THIS SHOWING IF DOING SO WOULD PREVENT TOWN  
517 FROM COMPLYING WITH ANY DEADLINE FOR ACTION ON AN  
518 APPLICATION.  
519

520 (6) PROOF THAT NOTICE HAS BEEN MAILED TO OWNERS OF ALL  
521 PROPERTY, AND THE RESIDENT MANAGER FOR ANY MULTI-  
522 FAMILY DWELLING UNIT THAT INCLUDES TEN (10) OR MORE UNITS,  
523 WITHIN 300 FEET OF THE PROPOSED WIRELESS  
524 TELECOMMUNICATIONS FACILITY.  
525

526 (7) A COPY OF ANY POLE OR STRUCTURE ATTACHMENT AGREEMENT  
527 MUST BE PROVIDED, AS WELL AS SUFFICIENT INFORMATION TO  
528 DETERMINE THAT THE INSTALLATION CAN BE SUPPORTED BY AND  
529 DOES NOT EXCEED THE TOLERANCES OF THE POLE OR STRUCTURE  
530 AND SPECIFICATIONS FOR EACH ELEMENT OF THE WIRELESS  
531 TELECOMMUNICATIONS FACILITY, CLEARLY DESCRIBING THE SITE  
532 AND ALL STRUCTURES AND FACILITIES AT THE SITE BEFORE AND  
533 AFTER INSTALLATION OR MODIFICATION; A STRUCTURAL REPORT  
534 PERFORMED BY A DULY LICENSED ENGINEER EVIDENCING THAT THE  
535 POLE, TOWER OR SUPPORT STRUCTURE CAN ADEQUATELY SUPPORT  
536 THE COLLOCATION (OR THAT THE POLE, TOWER, OR SUPPORT  
537 STRUCTURE WILL BE MODIFIED TO MEET STRUCTURAL  
538 REQUIREMENTS) IN ACCORDANCE WITH APPLICABLE CODES.  
539

540 (8) PAYMENT OF ANY REQUIRED FEES.  
541

542 (9) BEFORE A PERMIT IS ISSUED, A CONCURRENT AGREEMENT TO ANY  
543 REQUIRED FRANCHISE, ACCESS OR LICENSE AGREEMENT MUST BE  
544 PROVIDED.  
545

546 C. FEES. APPLICANT MUST PROVIDE AN APPLICATION FEE, AND SHALL  
547 BE REQUIRED TO PAY ALL COSTS REASONABLY INCURRED BY THE TOWN  
548 IN REVIEWING THE APPLICATION, INCLUDING COSTS INCURRED IN  
549 RETAINING OUTSIDE CONSULTANTS. APPLICANT SHALL ALSO PAY AN  
550 ACCESS FEE. FEES SHALL BE REVIEWED PERIODICALLY, AND RAISED OR  
551 LOWERED BASED ON COSTS THE TOWN EXPECTS TO INCUR.  
552

553 D. THE TOWN MAY ELECT TO PROVIDE PUBLIC NOTICE OF AN  
554 APPLICATION AND HOLD A PUBLIC HEARING PRIOR TO THE APPROVAL OF  
555 AN APPLICATION. IF THE TOWN ELECTS TO HOLD A PUBLIC HEARING ON AN

556 APPLICATION, THE APPLICANT SHALL BE REPRESENTED AT THE PUBLIC  
557 HEARING AND BE AVAILABLE TO ANSWER INQUIRIES ABOUT THE  
558 APPLICATION.  
559

560 E. AS PART OF THE PERMIT PROCESS, THE TOWN MAY REQUIRE A  
561 WIRELESS TELECOMMUNICATIONS FACILITY TO BE FULLY OPERATIONAL  
562 WITHIN A SPECIFIED PERIOD AFTER THE DATE THE LAST OR FINAL PERMIT IS  
563 ISSUED, UNLESS THE TOWN AND THE APPLICANT AGREE TO EXTEND THE  
564 PERIOD.  
565

566 F. WAIVERS. REQUESTS FOR WAIVERS FROM ANY APPLICATION  
567 REQUIREMENT OF SUBSECTION B. OF THIS SECTION SHALL BE MADE IN  
568 WRITING TO THE TOWN ADMINISTRATOR OR DESIGNEE. THE TOWN  
569 ADMINISTRATOR OR DESIGNEE MAY GRANT A REQUEST FOR WAIVER IF  
570 IT IS DEMONSTRATED THAT GOOD CAUSE BEYOND THE CONTROL OF  
571 THE APPLICANT HAS BEEN SHOWN FOR THE GRANT OF THE WAIVER, THE  
572 APPLICANT WILL SUFFER UNWARRANTED HARDSHIP IF THE WAIVER IS  
573 NOT GRANTED, AND, NOTWITHSTANDING THE ISSUANCE OF A WAIVER,  
574 THE TOWN WILL BE PROVIDED ALL INFORMATION NECESSARY TO  
575 UNDERSTAND THE NATURE OF THE CONSTRUCTION OR OTHER ACTIVITY  
576 TO BE CONDUCTED PURSUANT TO THE PERMIT SOUGHT.  
577

578 G. PROCESSING OF APPLICATIONS. FOR SMALL WIRELESS FACILITIES,  
579 PERSONAL WIRELESS FACILITIES, AS THOSE TERMS ARE DEFINED  
580 UNDER FEDERAL LAW, AND ELIGIBLE FACILITIES REQUESTS, AS THAT  
581 TERM IS DEFINED UNDER FEDERAL LAW, APPLICATIONS WILL BE  
582 PROCESSED IN CONFORMITY WITH STATE, LOCAL AND FEDERAL LAW,  
583 AS AMENDED. CURRENTLY, THE FCC HAS REQUIRED THAT SUCH  
584 APPLICATIONS BE PROCESSED WITHIN 60 DAYS OF RECEIPT OF A  
585 COMPLETED APPLICATION FOR FACILITIES THAT WILL BE COLLOCATED  
586 ON PREEXISTING STRUCTURES, AND 90 DAYS FOR NEW CONSTRUCTION.  
587

588 H. REJECTION FOR INCOMPLETENESS. NOTICES OF  
589 INCOMPLETENESS SHALL BE PROVIDED IN CONFORMITY WITH STATE,  
590 AND LOCAL AND FEDERAL LAW. IF SUCH AN APPLICATION IS  
591 INCOMPLETE, IT MAY BE REJECTED BY A WRITTEN ORDER SPECIFYING  
592 THE MATERIAL OMITTED FROM THE APPLICATION, OR THE TOWN MAY  
593 NOTIFY THE APPLICANT OF THE MATERIAL OMITTED AND PROVIDE AN  
594 OPPORTUNITY TO SUBMIT THE MISSING MATERIAL. THE TIME IMPOSED  
595 BY FEDERAL, STATE OR LOCAL LAW FOR THE PROCESSING OF AN  
596 APPLICATION DOES NOT BEGIN TO RUN UNTIL AN APPLICATION IS  
597 COMPLETE.  
598

599 I. FINAL INSPECTION. UPON COMPLETION OF THE APPROVED WORK,

600 THE APPLICANT MUST FILE A STATEMENT OF THE PROFESSIONAL  
601 OPINION BY AN INDEPENDENT, QUALIFIED ENGINEER LICENSED IN THE  
602 STATE OF MARYLAND THAT INDICATES THAT THE INSTALLATION, BASED  
603 UPON THE ENGINEER'S ACTUAL INSPECTIONS, IN THE ENGINEER'S OPINION  
604 AND TO THE BEST OF THE ENGINEER'S KNOWLEDGE, MEETS THE  
605 REQUIREMENTS OF THE APPROVED PLAN DOCUMENTS, THIS ARTICLE AND  
606 OTHER APPLICABLE LAW. CERTIFICATIONS MUST BE SIGNED AND SEALED  
607 BY THE QUALIFIED ENGINEER MAKING THE STATEMENT. UPON RECEIPT OF  
608 THE STATEMENT, AND ANY REQUIRED TOWN INSPECTION, THE WORK MAY  
609 BE ACCEPTED AND A CERTIFICATE OF COMPLETION MAY BE ISSUED BY  
610 THE TOWN.

611

612 **SECTION 80-5. TERMINATION OF PERMIT/BREACH.**

613

614 A. FOR BREACH. A WIRELESS TELECOMMUNICATIONS PERMIT MAY  
615 BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE  
616 PERMIT, FRANCHISE, LICENSE OR APPLICABLE LAW. UPON REVOCATION,  
617 THE WIRELESS TELECOMMUNICATIONS FACILITY MUST BE REMOVED  
618 WITHIN 30 DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF  
619 SUPPORT STRUCTURE OWNED BY TOWN, A UTILITY, OR ANOTHER  
620 ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE  
621 RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS  
622 PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE TOWN.  
623 ALL COSTS INCURRED BY THE TOWN IN CONNECTION WITH THE  
624 REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR  
625 CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS  
626 FACILITY.

627

628 B. FOR INSTALLATION WITHOUT A PERMIT. A WIRELESS  
629 TELECOMMUNICATIONS FACILITY INSTALLED WITHOUT A WIRELESS  
630 PERMIT (EXCEPT FOR THOSE EXEMPTED BY THIS ARTICLE) MUST BE  
631 REMOVED WITHIN 30 DAYS OF WRITTEN NOTICE; PROVIDED THAT  
632 REMOVAL OF A SUPPORT STRUCTURE OWNED BY THE TOWN, A UTILITY,  
633 OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE  
634 IN THE RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED  
635 TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE  
636 TOWN. ALL COSTS INCURRED BY THE TOWN IN CONNECTION WITH THE  
637 REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR  
638 CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.

639

640 C. TERM. A WIRELESS PERMIT, OTHER THAN A PERMIT ISSUED  
641 PURSUANT TO AN ELIGIBLE FACILITIES REQUEST, SHALL BE VALID FOR  
642 A PERIOD OF FIVE (5) YEARS. AN ELIGIBLE FACILITIES PERMIT SHALL  
643 EXPIRE AT THE SAME TIME THE PERMIT FOR THE UNDERLYING EXISTING

644 WIRELESS TELECOMMUNICATIONS FACILITY EXPIRES. A PERSON  
645 HOLDING A WIRELESS TELECOMMUNICATIONS PERMIT MUST EITHER  
646 REMOVE THE WIRELESS TELECOMMUNICATIONS FACILITY UPON  
647 EXPIRATION (PROVIDED THAT REMOVAL OF A SUPPORT STRUCTURE  
648 OWNED BY THE TOWN, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO  
649 MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT-OF-WAY NEED NOT BE  
650 REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT  
651 AS SPECIFICALLY PERMITTED BY THE TOWN); OR, AT LEAST 90 DAYS  
652 PRIOR TO EXPIRATION, MUST SUBMIT AN APPLICATION TO RENEW THE  
653 PERMIT, WHICH APPLICATION MUST DEMONSTRATE THAT THE IMPACT  
654 OF THE WIRELESS TELECOMMUNICATIONS FACILITY CANNOT BE  
655 REDUCED. THE WIRELESS TELECOMMUNICATIONS FACILITY MUST  
656 REMAIN IN PLACE UNTIL IT IS ACTED UPON BY THE TOWN, AND ANY  
657 APPEALS FROM THE TOWN'S DECISION ARE EXHAUSTED.

658

659 **SECTION 80-6. INFRASTRUCTURE OWNED OR CONTROLLED BY THE**  
660 **TOWN.**

661

662 THE TOWN MAY NEGOTIATE AGREEMENTS FOR USE OF TOWN OWNED  
663 OR CONTROLLED LIGHT STANDARDS AND TRAFFIC SIGNALS IN THE  
664 PUBLIC RIGHTS-OF-WAY FOR PLACEMENT OF WIRELESS  
665 TELECOMMUNICATIONS FACILITIES ON THOSE STRUCTURES. THE  
666 AGREEMENT SHALL SPECIFY THE COMPENSATION TO THE TOWN FOR  
667 USE OF THE STRUCTURES. THE PERSON SEEKING THE AGREEMENT  
668 SHALL ADDITIONALLY REIMBURSE THE TOWN FOR ALL COSTS THE  
669 TOWN INCURS IN CONNECTION WITH ITS REVIEW OF, AND ACTION UPON,  
670 THE PERSON'S REQUEST FOR AN AGREEMENT.

671

672 **SECTION 80-7. INSURANCE.**

673

674 A. THE TOWN SHALL REQUIRE A WIRELESS INFRASTRUCTURE PROVIDER  
675 TO INDEMNIFY AND HOLD HARMLESS THE TOWN AND ITS OFFICIALS,  
676 OFFICERS AND EMPLOYEES AGAINST ANY LOSS, DAMAGE, OR LIABILITY TO  
677 THE EXTENT THAT IT IS CAUSED BY THE NEGLIGENT OR WILLFUL ACT OR  
678 OMISSION OF THE WIRELESS INFRASTRUCTURE PROVIDER WHO OWNS OR  
679 OPERATES SMALL WIRELESS FACILITIES OR POLES IN THE RIGHT-OF-WAY,  
680 ITS AGENTS, OFFICERS, DIRECTORS, REPRESENTATIVES, EMPLOYEES,  
681 AFFILIATES, OR SUBCONTRACTORS, OR THEIR RESPECTIVE OFFICERS,  
682 AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES.

683

684 B. DURING THE PERIOD IN WHICH THE FACILITIES OF A WIRELESS  
685 INFRASTRUCTURE PROVIDER ARE LOCATED ON OR ATTACHED TO THE  
686 TOWN'S ASSETS OR RIGHTS-OF-WAY, THE TOWN MAY REQUIRE A WIRELESS  
687 INFRASTRUCTURE PROVIDER TO:



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(1) CARRY, AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE, THE FOLLOWING TYPES OF THIRD-PARTY INSURANCE:

- I. PROPERTY INSURANCE FOR ITS PROPERTY'S REPLACEMENT COST AGAINST ALL RISKS;
- II. WORKERS' COMPENSATION INSURANCE, AS REQUIRED BY LAW; AND
- III. COMMERCIAL GENERAL LIABILITY INSURANCE WITH RESPECT TO ITS ACTIVITIES ON TOWN IMPROVEMENTS OR RIGHTS-OF-WAY TO AFFORD PROTECTION WITH LIMITS NOT INCONSISTENT WITH ITS REQUIREMENTS OF OTHER USERS OF TOWN IMPROVEMENTS OR RIGHTS-OF-WAY, INCLUDING COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE; AND

(2) INCLUDE THE TOWN AS AN ADDITIONAL INSURED ON THE COMMERCIAL GENERAL LIABILITY POLICY AND PROVIDE CERTIFICATION AND DOCUMENTATION OF INCLUSION OF THE TOWN IN A COMMERCIAL GENERAL LIABILITY POLICY AS REASONABLY REQUIRED BY THE TOWN.

**SECTION 80-8. MAKE-READY WORK.**

A. THE TOWN MAY PROVIDE A WIRELESS INFRASTRUCTURE PROVIDER THE OPTION OF EITHER HAVING THE WIRELESS INFRASTRUCTURE PROVIDER PERFORM ANY NECESSARY MAKE-READY WORK THROUGH THE USE OF QUALIFIED CONTRACTORS AUTHORIZED BY THE TOWN, OR HAVING THE TOWN PERFORM ANY NECESSARY MAKE-READY WORK AT THE SOLE COST OF THE WIRELESS INFRASTRUCTURE PROVIDER.

B. UPON COMPLETION OF THE MAKE-READY WORK PERFORMED BY THE TOWN AT THE REQUEST OF A WIRELESS INFRASTRUCTURE PROVIDER, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL REIMBURSE THE TOWN FOR THE TOWN'S ACTUAL AND DOCUMENTED COST OF THE MAKE-READY WORK.

**SECTION 80-9. RIGHT-OF -WAY REPAIR.**

A WIRELESS INFRASTRUCTURE PROVIDER SHALL BE REQUIRED TO PROMPTLY:

- (1) REPAIR ANY DAMAGE TO THE PUBLIC RIGHT-OF-WAY OR ANY DAMAGES TO FACILITIES IN THE RIGHT-OF-WAY DIRECTLY CAUSED

732 BY THE ACTIVITIES OF THE WIRELESS INFRASTRUCTURE PROVIDER  
733 AND RETURN THE RIGHT-OF-WAY TO THE RIGHT-OF-WAY'S  
734 CONDITION PRIOR TO THE DAMAGES CAUSED BY THE WIRELESS  
735 INFRASTRUCTURE PROVIDER.

736

737 (2) REMOVE AND RELOCATE THE PERMITTED SMALL WIRELESS  
738 FACILITY AND/OR WIRELESS SUPPORT STRUCTURE AT THE  
739 WIRELESS INFRASTRUCTURE PROVIDER'S SOLE EXPENSE TO  
740 ACCOMMODATE CONSTRUCTION OF A PUBLIC IMPROVEMENT  
741 PROJECT BY THE TOWN. IF THE WIRELESS INFRASTRUCTURE  
742 PROVIDER FAILS TO REMOVE OR RELOCATE THE SMALL WIRELESS  
743 FACILITY AND/OR WIRELESS SUPPORT STRUCTURE OR PORTION  
744 THEREOF AS REQUESTED BY THE TOWN WITHIN 120 DAYS OF THE  
745 TOWN'S NOTICE, THEN THE TOWN SHALL BE ENTITLED TO REMOVE  
746 THE SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT  
747 STRUCTURE, OR PORTION THEREOF, AT THE WIRELESS  
748 INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE, WITHOUT  
749 FURTHER NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER. THE  
750 WIRELESS INFRASTRUCTURE PROVIDER SHALL, WITHIN 30 DAYS  
751 FOLLOWING ISSUANCE OF INVOICE FOR THE SAME, REIMBURSE THE  
752 TOWN FOR ITS REASONABLE EXPENSES INCURRED IN THE REMOVAL  
753 (INCLUDING, WITHOUT LIMITATION, OVERHEAD AND STORAGE  
754 EXPENSES) OF THE SMALL WIRELESS FACILITIES AND/OR WIRELESS  
755 SUPPORT STRUCTURE, OR PORTION THEREOF.

756

757 (3) AT ITS SOLE COST AND EXPENSE, PROMPTLY DISCONNECT, REMOVE,  
758 OR RELOCATE THE APPLICABLE SMALL WIRELESS FACILITY AND/OR  
759 WIRELESS SUPPORT STRUCTURE WITHIN THE TIME FRAME AND IN THE  
760 MANNER REQUIRED BY THE TOWN IF THE TOWN REASONABLY  
761 DETERMINES THAT THE DISCONNECTION, REMOVAL, OR RELOCATION  
762 OF ANY PART OF A SMALL WIRELESS FACILITY AND/OR WIRELESS  
763 SUPPORT STRUCTURE:

764

765 I. IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY,  
766 WELFARE, OR TOWN PROPERTY, OR

767

768 II. THE WIRELESS INFRASTRUCTURE PROVIDER FAILS TO OBTAIN  
769 ALL APPLICABLE LICENSES, PERMITS, AND CERTIFICATIONS  
770 REQUIRED BY LAW FOR ITS SMALL WIRELESS FACILITY AND/OR  
771 WIRELESS SUPPORT STRUCTURE. IF THE TOWN REASONABLY  
772 DETERMINES THAT THERE IS IMMINENT DANGER TO THE  
773 PUBLIC, THEN THE TOWN MAY IMMEDIATELY DISCONNECT,  
774 REMOVE, OR RELOCATE THE APPLICABLE SMALL WIRELESS  
775 FACILITY AND/OR WIRELESS SUPPORT STRUCTURE AT THE

776 WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND  
777 EXPENSE.

778

779 **SECTION 80-10. FACILITIES NO LONGER NEEDED.**

780

781 A. A WIRELESS INFRASTRUCTURE PROVIDER SHALL PROMPTLY NOTIFY  
782 THE TOWN OF A DECISION TO REMOVE FROM SERVICE A WIRELESS  
783 TELECOMMUNICATIONS FACILITY LOCATED ON A PUBLIC RIGHT-OF-WAY.

784

785 B. A WIRELESS INFRASTRUCTURE PROVIDER SHALL REMOVE A  
786 WIRELESS TELECOMMUNICATIONS FACILITY THAT IS NO LONGER NEEDED  
787 FOR SERVICE AND LOCATED ON A PUBLIC RIGHT-OF-WAY AT THE SOLE  
788 COST AND EXPENSE OF THE WIRELESS INFRASTRUCTURE PROVIDER.

789

790 C. IF THE TOWN CONCLUDES THAT A WIRELESS TELECOMMUNICATIONS  
791 FACILITY HAS BEEN ABANDONED IN PLACE, THE TOWN MAY REMOVE THE  
792 FACILITY AND INVOICE THE WIRELESS INFRASTRUCTURE PROVIDER FOR  
793 THE ACTUAL AND DOCUMENTED COST INCURRED BY THE TOWN FOR  
794 REMOVAL.

795

796 D. UNTIL A WIRELESS TELECOMMUNICATIONS FACILITY THAT IS  
797 LOCATED ON PUBLIC RIGHT-OF-WAY IS REMOVED FROM THE PUBLIC RIGHT-  
798 OF-WAY, A WIRELESS INFRASTRUCTURE PROVIDER SHALL PAY ALL FEES  
799 AND CHARGES DUE THE TOWN, REGARDLESS OF WHETHER THE FACILITY IS  
800 OPERATIONAL.

801

802 **SECTION 80-11. SURETY BONDS.**

803

804 A. THE TOWN MAY REQUIRE A SURETY BOND FOR WIRELESS  
805 INFRASTRUCTURE PROVIDERS.

806

807 B. THE PURPOSE OF A SURETY BOND REQUIRED UNDER SUBSECTION A.  
808 OF THIS SECTION SHALL BE TO:

809

810 (1) PROVIDE FOR THE REMOVAL OF ABANDONED OR IMPROPERLY  
811 MAINTAINED SMALL WIRELESS FACILITIES, INCLUDING THOSE THAT  
812 THE TOWN REQUIRES TO BE REMOVED TO PROTECT PUBLIC HEALTH,  
813 SAFETY, OR WELFARE, AND RESTORE THE RIGHTS-OF-WAY; AND

814

815 (2) RECOUP RATES OR FEES THAT HAVE NOT BEEN PAID BY A WIRELESS  
816 INFRASTRUCTURE PROVIDER, SUBJECT TO THIRTY (30) DAYS PRIOR  
817 WRITTEN NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER AND  
818 THE OPPORTUNITY TO PAY THE RATES OR FEES OUTSTANDING.

819

820 **SECTION 80-12. FEES.**

821

822 THE FOLLOWING ENUMERATIONS ARE THE CURRENT FEES AND CHARGES  
823 PAYABLE UNDER THIS CHAPTER.

824

825 (1) APPLICATION FEE: WIRELESS TELECOMMUNICATIONS FACILITIES AND  
826 RELATED OVERHEAD AND UNDERGROUND WIRING, CABLE, HOSES,  
827 PIPES AND SIMILAR FACILITIES:

828

829 I. UP TO FIVE FACILITIES \$500.00

830

831 II. EACH ADDITIONAL FACILITY \$100.00

832

833 III. EACH NEW POLE \$1,000.00

834

835 IV. ACTUAL COST TO REVIEW APPLICATIONS, IF IN EXCESS OF SET  
836 FEES

837

838 (2) ACCESS FEE: \$270 PER SMALL WIRELESS FACILITY PER YEAR

839

840 **SECTION 80-13. VIOLATIONS.**

841

842 A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE A  
843 MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE OF \$100.00. EACH DAY  
844 THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

845

846 **ARTICLE 2, DESIGN GUIDELINES**

847

848 **SECTION 80-14. PURPOSE.**

849

850 THE PURPOSE OF THESE GUIDELINES IS TO ESTABLISH GENERAL PROCEDURES  
851 AND STANDARDS, CONSISTENT WITH ALL APPLICABLE FEDERAL AND STATE  
852 LAWS, FOR THE SITING, CONSTRUCTION, INSTALLATION, COLLOCATION,  
853 MODIFICATION, RELOCATION, OPERATION AND REMOVAL OF SMALL  
854 WIRELESS TELECOMMUNICATIONS FACILITIES ("FACILITIES") WITHIN THE  
855 TOWN OF PERRYVILLE'S ("TOWN") RIGHTS-OF-WAY. THE GOALS OF THESE  
856 GUIDELINES ARE TO:

857

858 A. PROVIDE STANDARDS, TECHNICAL CRITERIA, AND DETAILS FOR SMALL  
859 WIRELESS TELECOMMUNICATIONS FACILITIES IN THE TOWN'S RIGHTS-OF-  
860 WAY TO BE UNIFORMLY APPLIED TO ALL APPLICANTS AND OWNERS OF  
861 SMALL WIRELESS TELECOMMUNICATIONS FACILITIES OR SUPPORT  
862 STRUCTURES FOR SUCH FACILITIES;

863

864 B. ENHANCE THE ABILITY OF WIRELESS TELECOMMUNICATIONS  
865 CARRIERS TO DEPLOY SMALL WIRELESS TECHNOLOGY IN THE TOWN  
866 QUICKLY, EFFECTIVELY, AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES,  
867 AND VISITORS BENEFIT FROM EXTENSIVE AND ROBUST WIRELESS SERVICE  
868 AVAILABILITY;

869  
870 C. PRESERVE THE CHARACTER OF THE TOWN'S NEIGHBORHOODS AND  
871 CORRIDORS, BY LIMITING VISUAL BLIGHT;

872  
873 D. ENSURE THAT SMALL WIRELESS TELECOMMUNICATIONS FACILITIES  
874 AND SUPPORT STRUCTURES CONFORM WITH ALL APPLICABLE HEALTH AND  
875 SAFETY REGULATIONS AND WILL BLEND INTO THEIR ENVIRONMENT TO THE  
876 GREATEST EXTENT POSSIBLE; AND

877  
878 E. COMPLY WITH, AND NOT CONFLICT WITH OR PREEMPT, ALL  
879 APPLICABLE STATE AND FEDERAL LAWS.

880  
881 **SECTION 80-15. DEFINITIONS.**

882  
883 DEFINITIONS FOR THIS ARTICLE 2 ARE THOSE AS DEFINED IN ARTICLE 1 OF  
884 THIS CHAPTER.

885  
886 **SECTION 80-16. REQUIREMENT TO COMPLY.**

887  
888 THE PROVISIONS OF THIS ARTICLE 2 ARE SUPPLEMENTARY TO THE  
889 REQUIREMENTS OF ARTICLE 1 OF THIS CHAPTER. PLACEMENT,  
890 MODIFICATION, OPERATION, RELOCATION, AND REMOVAL OF SMALL  
891 WIRELESS TELECOMMUNICATIONS AND WIRELESS SUPPORT STRUCTURES  
892 SHALL COMPLY WITH ARTICLE 1 AND ALL OTHER APPLICABLE TOWN,  
893 COUNTY, STATE AND FEDERAL LAWS. ALL PERMITS MUST BE IN COMPLIANCE  
894 AT THE TIME OF PERMIT APPROVAL AND AS MAY BE AMENDED FROM TIME TO  
895 TIME, AS NECESSARY.

896  
897 **SECTION 80-17. CONCEALMENT OF FACILITIES AND RELATED EQUIPMENT.**

898  
899 A. CONCEALMENT PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT ALL  
900 FACILITIES, SUPPORT STRUCTURES, AND RELATED EQUIPMENT INCORPORATE  
901 SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, SUCH AS:

902  
903 (1) INTEGRATED POLES. THE USE OF "SMART POLES," OR THOSE OF A  
904 SIMILAR TYPE, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING  
905 LIGHT, STREET, OR OTHER MUNICIPAL POLES TO CONFORM TO EXISTING  
906 INFRASTRUCTURE OR TO PROVIDE ENHANCED AESTHETIC VALUE. THESE

907 POLES ARE INTENDED TO BLEND INTO THE ENVIRONMENT AND INTEGRATE  
908 THE TELECOMMUNICATIONS EQUIPMENT INTERNALLY.

909

910 (2) STREET/DIRECTIONAL SIGNS. THE USE OF STREET AND/OR  
911 DIRECTIONAL SIGNS, WHERE PRACTICAL, TO CONCEAL CERTAIN EQUIPMENT,  
912 CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING STREET OR  
913 DIRECTIONAL SIGNS TO CONFORM TO EXISTING INFRASTRUCTURE OR TO  
914 PROVIDE ENHANCED AESTHETIC VALUE.

915

916 (3) EQUIPMENT ENCLOSURES. EQUIPMENT ENCLOSURES, INCLUDING  
917 ELECTRIC METERS, SHALL BE AS SMALL AS POSSIBLE. GROUND-MOUNTED  
918 EQUIPMENT CONCEALMENT SHALL INCLUDE, BUT NOT BE LIMITED TO,  
919 LANDSCAPING, STRATEGIC PLACEMENT IN LESS OBTRUSIVE LOCATIONS AND  
920 PLACEMENT WITHIN EXISTING OR REPLACEMENT STREET FURNITURE OR  
921 OTHER DECORATIVE ELEMENTS.

922

923 (4) LANDSCAPING. LANDSCAPE SCREENING SHALL BE PROVIDED AND  
924 MAINTAINED AROUND GROUND MOUNTED EQUIPMENT ENCLOSURES. THE  
925 PLANTING QUANTITY AND SIZE SHOULD BE SUCH THAT 100% SCREENING IS  
926 ACHIEVED WITHIN TWO YEARS AFTER INSTALLATION. THE TOWN  
927 ADMINISTRATOR MAY GRANT AN EXEMPTION FROM THIS LANDSCAPING  
928 REQUIREMENT BASED ON THE CHARACTERISTICS OF THE SPECIFIC LOCATION  
929 FOR THE EQUIPMENT ENCLOSURE. TREE "TOPPING" OR THE IMPROPER  
930 PRUNING OF TREES IS PROHIBITED. ANY PROPOSED PRUNING OR REMOVAL OF  
931 TREES, SHRUBS, OR OTHER LANDSCAPING ALREADY EXISTING IN THE RIGHT-  
932 OF-WAY MUST BE NOTED IN THE APPLICATION AND MUST BE APPROVED BY  
933 THE TOWN ADMINISTRATOR.

934

935 (5) WHEN UNDERGROUND VAULTS ARE PROPOSED, THEY SHALL BE  
936 LOCATED TO MINIMIZE DISRUPTION TO THE PLACEMENT OF STREET TREES.  
937 ADEQUATE PLANTING DEPTH SHALL BE PROVIDED BETWEEN THE TOP OF THE  
938 VAULT AND THE FINISHED GRADE TO ALLOW PLANTS TO GROW IN A  
939 HEALTHY CONDITION.

940

941 **SECTION 80-18. LOCATIONS OF FACILITIES AND RELATED EQUIPMENT.**

942

943 A. COLLOCATION PREFERENCE. WHENEVER AN APPLICANT PROPOSES TO  
944 PLACE A NEW WIRELESS SUPPORT STRUCTURE WITH A SMALL WIRELESS  
945 TELECOMMUNICATIONS FACILITY WITHIN 250 FEET FROM AN EXISTING  
946 WIRELESS SUPPORT STRUCTURE, THE WIRELESS INFRASTRUCTURE PROVIDER  
947 SHALL EITHER COLLOCATE WITH THE EXISTING FACILITY OR DEMONSTRATE  
948 THAT A COLLOCATION IS EITHER NOT TECHNICALLY FEASIBLE OR SPACE ON  
949 THE EXISTING FACILITY IS NOT PRACTICABLY AVAILABLE.

950

951 B. MOST PREFERABLE LOCATIONS. THE FOLLOWING LOCATIONS ARE  
952 PREFERRED WHEN NOT ADJACENT TO A PARK, RESIDENTIAL AREA, HISTORIC  
953 DISTRICT, OR AREAS SUBJECT TO ENHANCED DESIGN REVIEW.

954  
955 (1) INDUSTRIAL AREAS; AND

956  
957 (2) COMMERCIAL AREAS ADJACENT TO HIGHWAYS, EXCEPT WHEN  
958 THOSE AREAS ARE SUBJECT TO ENHANCED DESIGN REVIEW.

959  
960 C. LEAST PREFERABLE LOCATIONS.

961  
962 (1) RESIDENTIAL AREAS;

963  
964 (2) PARKS;

965  
966 (3) HISTORIC DISTRICTS; AND

967  
968 (4) AREAS SUBJECT TO ENHANCED DESIGN REVIEW.

969  
970 D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.  
971 THE FOLLOWING LIST INDICATES THE ORDER OF PREFERENCE FOR WIRELESS  
972 SUPPORT STRUCTURES FOR SMALL WIRELESS TELECOMMUNICATIONS  
973 FACILITIES.

974  
975 (1) EXISTING UTILITY POLES. IT IS THE TOWN'S PREFERENCE THAT  
976 FACILITIES BE INSTALLED ON EXISTING UTILITY POLES OR EXISTING LINES  
977 BETWEEN EXISTING POLES.

978  
979 (2) NON-ORNAMENTAL SERVICE POLES. IF THE WIRELESS  
980 INFRASTRUCTURE PROVIDER CANNOT PRACTICABLY OBTAIN THE RIGHT TO  
981 USE EXISTING UTILITY POLES OR LINES, THE TOWN PREFERS NON-  
982 ORNAMENTAL SERVICE POLES AS THE NEXT OPTION.

983  
984 (3) NEW POLES. IF THE ALTERNATIVES IN PARAGRAPHS (1) AND (2)  
985 HAVE PROVEN TO BE NON-PRACTICABLE OPTIONS, THE TOWN PREFERS THE  
986 INSTALLATION OF A NEW POLE.

987  
988 (4) ORNAMENTAL MUNICIPAL POLES. THE USE OF ORNAMENTAL  
989 MUNICIPAL STREET LIGHTS AND SIGN POLES AS WIRELESS SUPPORT  
990 STRUCTURES IS DISCOURAGED. THESE SHOULD ONLY BE PROPOSED IF THE  
991 ALTERNATIVES IN PARAGRAPHS (1), (2) AND (3) ARE NOT PRACTICABLE, OR  
992 WHEN REQUESTED BY THE TOWN BASED ON THE PROPOSED LOCATION, IF THE  
993 WIRELESS INFRASTRUCTURE PROVIDER DEMONSTRATES THAT EXEMPLARY  
994 DESIGN CAN BE ACHIEVED THROUGH INSTALLATION OF AN ORNAMENTAL

995 POLE WITH INTEGRATED ANTENNAS THAT ARE CONCEALED, TO CONFORM TO  
996 OR ENHANCE EXISTING INFRASTRUCTURE.

997

998 **SECTION 80-19. CONSIDERATION OF ALTERNATE LOCATIONS.**

999

1000 A. THE TOWN MAY PROPOSE AN ALTERNATE WIRELESS SUPPORT  
1001 STRUCTURE AND/OR LOCATION TO WHAT THE APPLICANT PROPOSED IN THE  
1002 APPLICATION, AS FOLLOWS:

1003

1004 (1) THE PROPOSED ALTERNATE LOCATION FOR A SUPPORT  
1005 STRUCTURE MAY BE WITHIN 100 FEET OF THE PROPOSED LOCATION OR  
1006 WITHIN A DISTANCE THAT IS EQUIVALENT TO THE WIDTH OF THE RIGHT OF  
1007 WAY IN OR ON WHICH THE WIRELESS SUPPORT STRUCTURE IS PROPOSED,  
1008 WHICHEVER IS GREATER; AND

1009

1010 (2) IF AN APPLICATION PROPOSES TO INSTALL FACILITIES THAT  
1011 CONFLICT WITH SPACE DESIGNATED FOR FUTURE PUBLIC IMPROVEMENTS  
1012 WHICH ARE DOCUMENTED IN AN APPROVED PLAN IN PLACE AT THE TIME OF  
1013 THE APPLICATION, THE APPLICATION MAY BE DENIED OR AN ALTERNATE  
1014 LOCATION PROPOSED, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER  
1015 AND/OR WIRELESS SERVICE PROVIDER AGREE AS PART OF THE APPLICATION  
1016 TO RELOCATE OR REINSTALL THE WIRELESS SUPPORT STRUCTURE IN A  
1017 MANNER WHICH IS CONSISTENT WITH THE APPROVED PLAN AT THE TIME THE  
1018 PUBLIC IMPROVEMENTS ARE INSTALLED.

1019

1020 **SECTION 80-20. PLACEMENT OF FACILITIES AND RELATED EQUIPMENT.**

1021

1022 A. GENERALLY, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL  
1023 CONSTRUCT AND MAINTAIN FACILITIES, SUPPORT STRUCTURES AND  
1024 RELATED EQUIPMENT IN A MANNER THAT DOES NOT:

1025

1026 (1) OBSTRUCT, IMPEDE, OR HINDER PUBLIC TRAVEL OR SAFETY ON  
1027 RIGHTS-OF-WAY;

1028

1029 (2) OBSTRUCT THE LEGAL USE OF RIGHTS-OF-WAY BY OTHER  
1030 UTILITY PROVIDERS;

1031

1032 (3) VIOLATE NONDISCRIMINATORY APPLICABLE CODES;

1033

1034 (4) VIOLATE OR CONFLICT WITH THE CODE OF THE TOWN OF  
1035 RIVERDALE PARK, OR OTHER APPLICABLE LAWS; AND

1036

1037 (5) VIOLATE THE FEDERAL AMERICANS WITH DISABILITIES ACT OR  
1038 COMPARABLE MARYLAND LAW.



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B. THE TOWN DESIRES TO IMPROVE AESTHETICS AROUND TOWN AND TO PROMOTE CLEANLY ORGANIZED AND STREAMLINED FACILITIES USING THE LEAST INTRUSIVE MEANS TO PROVIDE WIRELESS SERVICES TO THE COMMUNITY, AS FOLLOWS:

(1) GENERALLY, FACILITIES SHALL MATCH AND BE CONSISTENT WITH THE MATERIALS AND FINISH OF THE MUNICIPAL POLES IN THE SURROUNDING AREA ADJACENT TO THEIR LOCATION;

(2) IN THE ABSENCE OF ADJACENT MUNICIPAL POLES, SUPPORT STRUCTURES SHALL, AT A MINIMUM, MATCH THE MATERIALS AND FINISH OF ADJACENT UTILITY POLES; AND

(3) IN AREAS WITH MIXED STYLES OF MUNICIPAL POLES, THE HIGHEST QUALITY OF POLES SHALL BE PROVIDED.

C. ANTENNAS ON EXISTING OR REPLACED UTILITY POLES. ANTENNAS ASSOCIATED WITH COLLOCATION ON EXISTING OR REPLACEMENT POLES MUST BE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND THESE GUIDELINES.

D. SERVICE LINES. ALL SERVICE LINES MUST BE UNDERGROUNDED WHENEVER PRACTICABLE TO AVOID ADDITIONAL OVERHEAD LINES. FOR HOLLOW POLES, UNDERGROUNDED CABLES AND WIRES MUST TRANSITION DIRECTLY INTO THE POLE BASE WITHOUT ANY EXTERNAL JUNCTION BOX. ON WOOD POLES, ALL ABOVE-GROUND WIRES, CABLES, AND CONNECTIONS SHALL BE ENCASED IN THE SMALLEST SECTION OR SMALLEST DIAMETER PVC CHANNEL, CONDUIT, U-GUARD, OR SHROUD PRACTICABLE, WITH A MAXIMUM DIMENSION OF 4" DIAMETER. SUCH CONDUIT SHALL BE FINISHED IN ZINC, ALUMINUM OR STAINLESS STEEL, OR COLORED TO MATCH OR EXCEED THE QUALITY OF EXISTING ENCASEMENTS.

E. SPOOLED OR COILED CABLES. TO REDUCE CLUTTER AND DETER VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES SHALL NOT BE SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE OR CABINET.

F. GROUND MOUNTED EQUIPMENT. ANY PROPOSED GROUND MOUNTED EQUIPMENT SHOULD BE PLACED AS FOLLOWS:

(1) IN A MANNER TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE PUBLIC TRAVEL OR SAFETY ON THE RIGHTS-OF WAY;

1083 (2) TO MAXIMIZE THE LINE OF SIGHT REQUIRED TO ADD TO SAFE  
1084 TRAVEL OF VEHICULAR AND PEDESTRIAN TRAFFIC AND MAXIMIZE THAT LINE  
1085 OF SIGHT AT STREET CORNERS AND INTERSECTIONS AND MINIMIZE HAZARDS  
1086 AT THOSE LOCATIONS; AND  
1087

1088 (3) THE TOWN MAY DENY A REQUEST THAT NEGATIVELY IMPACTS  
1089 VEHICULAR AND/OR PEDESTRIAN SAFETY.  
1090

1091 G. POLE MOUNTED EQUIPMENT. POLE MOUNTED EQUIPMENT MUST BE  
1092 INSTALLED AS FOLLOWS:  
1093

1094 (1) EQUIPMENT MUST BE INSTALLED AS FLUSH TO THE POLE AS  
1095 POSSIBLE;  
1096

1097 (2) EQUIPMENT ATTACHED TO METAL POLES MUST USE STAINLESS  
1098 STEEL BANDING STRAPS, IN A COLOR TO MATCH THE COLOR OF THE POLE;  
1099

1100 (3) EQUIPMENT ATTACHED TO WOOD POLES MAY BE BOLTED TO THE  
1101 POLE (THROUGH BOLTING OR LAG BOLTS ARE PROHIBITED) OR INSTALLED  
1102 USING STAINLESS STEEL BANDING STRAPS;  
1103

1104 (4) ALL EQUIPMENT SHALL BE LOCATED AS CLOSE TOGETHER AS  
1105 TECHNICALLY POSSIBLE AND, IF PRACTICABLE, ON THE SAME SIDE OF THE  
1106 POLE;  
1107

1108 (5) ALL EQUIPMENT OTHER THAN THE ANTENNA(S), ELECTRIC  
1109 METERS AND DISCONNECT SWITCHES MUST BE CONCEALED WITHIN AN  
1110 EQUIPMENT CABINET, WHICH MAY NOT EXTEND MORE THAN 24 INCHES FROM  
1111 THE FACE OF THE POLE; AND  
1112

1113 (6) EQUIPMENT CABINETS SHOULD BE MOUNTED AS FLUSH TO THE  
1114 POLE AS POSSIBLE, AND MUST BE NON-REFLECTIVE, COLORED TO MATCH THE  
1115 EXISTING POLE, IF ATTACHED TO A METAL POLE, AND IN THE COLOR OF  
1116 STAINLESS STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED  
1117 TO A WOOD POLE.  
1118

1119 H. ELECTRIC METER. THE TOWN STRONGLY ENCOURAGES THE USE OF  
1120 FLAT-RATE ELECTRIC SERVICE WHEN IT WOULD ELIMINATE THE NEED FOR A  
1121 METER. WHEN A METER IS NECESSARY, METERS SHALL BE THE SMALLEST  
1122 AND LEAST VISUALLY INTRUSIVE ELECTRIC METER AVAILABLE, AND, IF  
1123 PERMITTED BY THE ELECTRIC SERVICE PROVIDER, SHALL BE PAINTED TO  
1124 MATCH THE METAL POLE, OR IN THE COLOR OF STAINLESS STEEL, BRUSHED  
1125 ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.  
1126

1127 I. TELEPHONE/FIBER OPTIC UTILITIES. CABINETS FOR TELEPHONE AND/OR  
1128 FIBER OPTIC UTILITIES MAY NOT EXTEND MORE THAN 24 INCHES FROM THE  
1129 FACE OF THE POLE, AND MUST BE PAINTED, WRAPPED OR OTHERWISE  
1130 COLORED TO MATCH THE POLE. MICROWAVE OR OTHER WIRELESS  
1131 BACKHAUL IS DISCOURAGED WHEN IT WOULD INVOLVE A SEPARATE AND  
1132 UNCONCEALED ANTENNA.

1133

1134 **SECTION 80-21. UNDERGROUND EQUIPMENT VAULTS.**

1135

1136 UNDERGROUNDED EQUIPMENT VAULTS. EQUIPMENT IN AN  
1137 ENVIRONMENTALLY CONTROLLED UNDERGROUND VAULT MAY BE  
1138 REQUIRED BY THE TOWN IN SOME AREAS WHERE TECHNOLOGICALLY  
1139 FEASIBLE AND APPROPRIATE FOR THE LOCATION.

1140

1141 **SECTION 80-22. NEW WIRELESS TELECOMMUNICATIONS SUPPORT**  
1142 **STRUCTURES.**

1143

1144 A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1)  
1145 NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK  
1146 AND, EXCEPT FOR COMPELLING REASONS, WILL NOT APPROVE MORE THAN  
1147 ONE PER 250 FEET ON EACH SIDE OF THE STREET IN ORDER TO MINIMIZE THE  
1148 HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL  
1149 CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.

1150

1151 1. ALIGNMENT WITH OTHER POLES. THE CENTERLINE OF ANY NEW  
1152 WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE MUST BE ALIGNED,  
1153 AS MUCH AS POSSIBLE, WITH THE CENTERLINES OF EXISTING POLES ON THE  
1154 SAME STREET SEGMENT, BUT ONLY IF THE NEW STRUCTURE'S HEIGHT DOES  
1155 NOT CONFLICT WITH OVERHEAD UTILITY LINES AND FACILITIES;

1156

1157 2. GENERAL RESTRICTIONS ON NEW WOOD POLES. IN ALL  
1158 LOCATIONS, THE TOWN RESERVES THE RIGHT TO REQUIRE A METAL POLE  
1159 RATHER THAN A WOOD POLE BASED ON THE BUILT AND/OR NATURAL  
1160 ENVIRONMENTAL CHARACTER OF THE PROPOSED LOCATION;

1161

1162 3. WOOD POLE FOOTINGS AND FOUNDATIONS. ALL NEW WOOD  
1163 POLES MUST BE DIRECT BURIED TO A DEPTH DETERMINED, STAMPED, SEALED  
1164 AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED BY  
1165 THE STATE OF MARYLAND, AND SUBJECT TO THE TOWN'S REVIEW AND  
1166 APPROVAL;

1167

1168 4. METAL POLE MATERIAL. ALL METAL POLES MUST BE  
1169 CONSTRUCTED FROM HOT-DIP GALVANIZED STEEL OR OTHER CORROSION-  
1170 RESISTANT MATERIALS APPROVED BY THE TOWN AND FINISHED IN

1171 ACCORDANCE WITH THESE GUIDELINES TO AVOID RUST STAINS ON  
1172 ADJACENT SIDEWALKS, BUILDINGS OR OTHER IMPROVEMENTS;

1173

1174 5. METAL POLE FINISH. METAL POLES MUST BE PAINTED BLACK.  
1175 THE APPLICANT MAY SELECT A PAINT OR POWDER COAT SYSTEM IN  
1176 COMPLIANCE WITH ATSM STANDARDS; AND

1177

1178 6. LIGHTING, PLANTERS, FLAGS, BANNERS, DIRECTIONAL SIGN  
1179 BRACKETS. THE TOWN MAY REQUIRE THE APPLICANT TO INSTALL  
1180 FUNCTIONAL STREETLIGHTS AND/OR BRACKETS TO HOLD HANGING FLOWER  
1181 PLANTERS, FLAGS AND/OR BANNERS AND DIRECTIONAL SIGN BRACKETS  
1182 WHEN TECHNICALLY FEASIBLE AND THE TOWN DETERMINES THAT SUCH  
1183 ADDITIONS WILL ENHANCE THE OVERALL APPEARANCE AND USEFULNESS OF  
1184 THE PROPOSED FACILITY. THE TOWN MAY UTILIZE THE BRACKETS, FLAGS  
1185 AND BANNERS.

1186

1187 B. EXEMPTIONS.

1188

1189 (1) AN EXEMPTION MAY BE GRANTED IF THE APPLICANT CAN  
1190 DEMONSTRATE THAT THE RESTRICTIONS OF SUBSECTION A. HAVE THE  
1191 EFFECT OF PREVENTING WIRELESS SERVICE TO THIS LOCATION.

1192

1193 (2) IF MULTIPLE REQUESTS ARE RECEIVED TO INSTALL TWO (2) OR  
1194 MORE POLES THAT WOULD VIOLATE THE SPACING REQUIREMENT OR TO  
1195 COLLOCATE TWO (2) OR MORE SMALL WIRELESS TELECOMMUNICATIONS  
1196 FACILITIES ON THE SAME SUPPORT STRUCTURE, PRIORITY WILL BE GIVEN TO  
1197 THE FIRST REQUEST RECEIVED THAT MEETS THESE GUIDELINES.

1198

1199 **SECTION 80-23. TOWN-OWNED WIRELESS TELECOMMUNICATIONS**  
1200 **SUPPORT STRUCTURES.**

1201

1202 A. REQUIRED LOAD ANALYSIS. INSTALLATIONS ON ALL TOWN-OWNED  
1203 POLES SHALL HAVE AN INDUSTRY STANDARD POLE LOAD ANALYSIS  
1204 COMPLETED, SEALED, AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED  
1205 AND REGISTERED IN THE STATE OF MARYLAND AND SUBMITTED TO THE  
1206 TOWN WITH EACH PERMIT APPLICATION INDICATING THAT THE TOWN-  
1207 OWNED POLE TO WHICH THE SMALL WIRELESS TELECOMMUNICATIONS  
1208 FACILITY WILL BE ATTACHED WILL SAFELY SUPPORT THE LOAD.

1209

1210 B. INSTALLATIONS ON SIGN POLES. INSTALLATIONS ON SIGN POLES MAY  
1211 ONLY OCCUR IF THE SIGN POLE IS FIFTEEN (15) FEET OR TALLER, UNLESS THE  
1212 WIRELESS INFRASTRUCTURE PROVIDER CAN DEMONSTRATE TO THE TOWN  
1213 ADMINISTRATOR'S SATISFACTION THAT THE FACILITIES CAN BE INTEGRATED

1214 IN A MANNER WHICH COMPLIMENTS OR ENHANCES THE AREA IN WHICH THE  
1215 SIGN POLE IS TO BE INSTALLED.

1216

1217 **SECTION 80-24. UNDERGROUNDING REQUIREMENTS.**

1218

1219 THE TOWN MAY DENY PERMIT APPLICATIONS, OR REQUIRE AN ALTERNATE  
1220 LOCATION, TO INSTALL STRUCTURES AND FACILITIES IN THE RIGHT-OF-WAY  
1221 OR UTILITY EASEMENTS WHERE UTILITIES HAVE BEEN REQUIRED TO BE  
1222 INSTALLED UNDERGROUND. THE APPLICANT MAY REQUEST A WAIVER IF THE  
1223 WIRELESS SERVICE PROVIDER IS UNABLE TO ACHIEVE ITS SERVICE OBJECTIVE  
1224 USING A LOCATION IN THE RIGHT-OF-WAY WHERE UTILITIES ARE NOT  
1225 UNDERGROUND OR IN A UTILITY EASEMENT THE WIRELESS SERVICE  
1226 PROVIDER HAS THE RIGHT TO ACCESS, OR IN OR ON OTHER SUITABLE  
1227 LOCATIONS OR STRUCTURES MADE AVAILABLE BY THE TOWN.

1228

1229 **SECTION 80-25. GENERAL PROVISIONS.**

1230

1231 A. TREE MAINTENANCE. THE WIRELESS INFRASTRUCTURE OR SERVICE  
1232 PROVIDER, ITS CONTRACTORS, AND AGENTS SHALL OBTAIN WRITTEN  
1233 PERMISSION AND NOTIFY THE TOWN, AS FOLLOWS:

1234

1235 (1) FROM THE TOWN BEFORE TRIMMING TREES IN THE RIGHT-OF-  
1236 WAY; AND

1237

1238 (2) FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.

1239

1240 B. GRAFFITI ABATEMENT. AS SOON AS PRACTICABLE, BUT NOT LATER  
1241 THAN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF NOTICE, THE  
1242 PROVIDER SHALL REMOVE ALL GRAFFITI ON ANY OF ITS FACILITIES,  
1243 EQUIPMENT OR STRUCTURES. THE TOWN MAY AGREE TO AN EXTENSION OF  
1244 TIME IF THE PROVIDER DEMONSTRATES THE NEED TO ORDER REPLACEMENT  
1245 EQUIPMENT.

1246

1247 C. MINOR TECHNICAL EXCEPTIONS. THE TOWN RECOGNIZES THAT IN  
1248 SOME CIRCUMSTANCES STRICT COMPLIANCE WITH THESE GUIDELINES MAY  
1249 RESULT IN UNDESIRABLE AESTHETIC OUTCOMES AND THAT MINOR  
1250 DEVIATIONS SHOULD BE GRANTED WHEN THE NEED FOR SUCH DEVIATIONS  
1251 ARISES FROM CIRCUMSTANCES OUTSIDE OF THE APPLICANT'S CONTROL.

1252

1253 D. WAIVERS. IN THE EVENT THAT ANY APPLICANT ASSERTS THAT STRICT  
1254 COMPLIANCE WITH ANY PROVISIONS IN THESE GUIDELINES, AS APPLIED TO A  
1255 SPECIFIC PROPOSED FACILITY, WOULD EFFECTIVELY PROHIBIT THE  
1256 ESTABLISHMENT OF WIRELESS SERVICE TO A LOCATION, THE TOWN MAY  
1257 GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

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**SECTION 80-26. CONFLICTS.**

IN THE EVENT OF A CONFLICT BETWEEN ANY OF THE PROVISIONS IN ARTICLES 1 AND 2 OF THIS CHAPTER, THE PROVISION THAT IS MORE RESTRICTIVE OR PROVIDES GREATER PROTECTION TO THE TOWN'S INTERESTS SHALL PREVAIL.


**SECTION 2. AND BE IT FURTHER ENACTED** that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**SECTION 3. AND BE IT FURTHER ENACTED** that this Ordinance shall take effect twenty (20) days following approval by the Mayor and Commissioners.

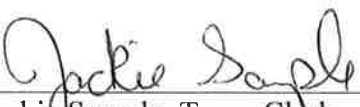
**ADOPTED** this 2<sup>nd</sup> day of June, 2020, by a vote of 5 yeas, 0 nays, and 0 abstentions.

**SEAL:**

**MAYOR AND COMMISSIONERS OF  
THE TOWN OF PERRYVILLE**

By:   
Robert R. Ashby, Jr., Mayor

**ATTEST:**

  
Jackie Sample, Town Clerk

Date: June 2, 2020

**EXPLANATION:**

**CAPITALS indicate matter added to existing law.**