

Bill No. 20-05
Concerning: Transmission Facility
Coordination—Amendments
Revised: July 6, 2005 Draft No. 1
Introduced: July 12, 2005
Enacted: December 6, 2005
Executive: December 16, 2005
Effective: March 17, 2006
Sunset Date: None
Ch. 30, Laws of Mont. Co. 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:

- (1) clarify that telecommunications facilities, radio broadcasting towers, and television broadcasting towers are subject to the transmission facility coordinating process; and
- (2) generally amend the law regarding telecommunications facility coordination.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-58E

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Section 1.** Section 2-58E of the Code is amended as follows:

2 **2-58E. [Telecommunications] Transmission facility coordination.**

3 (a) The Chief Information Officer, must establish and maintain a process to
4 coordinate the location of public and private [telecommunications] transmission
5 facilities in the County. The County Executive must issue regulations to implement
6 this process, including time limits for any review of a siting decision by the CIO or
7 the CIO's designee or contractor, or the [Telecommunications] Transmission Facility
8 Coordinating Group. The Executive may adopt regulations under method (3) to set
9 fees for reviewing and coordinating the siting of each proposed
10 [[telecommunications]] transmission facility that requires a building permit, special
11 exception, or other County approval. The regulations may set different fees for
12 certain categories of applicants to reflect different costs to the County to review and
13 coordinate the siting of facilities by that type of applicant. The Executive must
14 establish, and may modify, fee categories by method (2) regulation.

15 (b) As used in this Section:

16 (1) [telecommunications] transmission facility means any
17 telecommunications facility or radio and television broadcasting
18 tower, including any antenna, tower, monopole, or other structure
19 used primarily to receive or transmit wireless voice, data, or
20 image information (or any combination of them):

21 (2) land use agency means the Planning Board, the County Board of
22 Appeals, the Department of Environmental Protection, and any
23 other public agency or body with jurisdiction over the siting of
24 any [telecommunications] transmission facility, including any
25 municipal land use agency or body; and

- 26 (3) land-owning agency means any government agency which owns
27 or controls any land on which a [telecommunications]
28 transmission facility is located or proposed to be located.
- 29 (c) As part of the coordination process set up under subsection (a), the
30 Director's designee or contractor must:
- 31 (1) maintain a database of all [telecommunications] transmission
32 facilities located in the County, including any that the Director
33 knows are proposed to be located in the County;
- 34 (2) serve as a central source of information and a technical resource
35 on the siting of [telecommunications] transmission facilities for
36 land use agencies, land-owning agencies, private landowners,
37 telecommunications carriers, and the public;
- 38 (3) in order to promote the appropriate and efficient location and co-
39 location of [telecommunications] transmission facilities and
40 minimize any adverse impact on other land uses in the County
41 and on [telecommunications] transmission facilities used by
42 government agencies:
- 43 (A) review the siting of each proposed [telecommunications]
44 transmission facility;
- 45 (B) advise any land use agency or land-owning agency on the
46 technical rationale at that location for any
47 [telecommunications] transmission facility and whether it
48 qualifies under County land use laws as a public or private
49 use; and
- 50 (C) recommend to any land use agency a decision on any
51 pending siting issue, including any appropriate provisions

52 governing removal of the facility after its useful life
 53 concludes and the posting of a bond to guarantee removal;

54 (4) assist public participation in the process of siting
 55 [telecommunications] transmission facilities; and

56 (5) report annually to the County Executive and County Council on
 57 [telecommunications] transmission facility siting and policy
 58 issues.

59 (d) (1) The Director must convene a [Telecommunications]
 60 Transmission Facility Coordinating Group and select a chair from
 61 among its members. The Group consists of the Director's designee or
 62 contractor and a designee of:

63 (A) the Maryland-National Capital Park and Planning
 64 Commission;

65 (B) the Office of Management and Budget;

66 (C) the cable television administrator in the [Office of
 67 Consumer Affairs] Department of Technology Services;

68 (D) the Department of Public Works and Transportation;

69 (E) the Department of Environmental Protection; and

70 (F) any other County, bi-county, or municipal department or
 71 agency which the Director invites to send a designee.

72 (2) The Group must:

73 (A) review and comment, with due regard for the schedule in
 74 any pending action or proceeding, on any pending
 75 [telecommunications] transmission facility policy or siting
 76 issue; and

77 (B) facilitate communications between the member agencies
 78 on transmission facility policy and siting issues. The

79 Group's comments in any quasi-judicial proceeding must
80 be placed on the proceeding record and made available to
81 all parties.

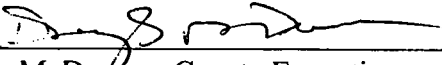
82 (e) Each land-owning agency in County government, and any other land-
83 owning agency which receives County funding, must submit to the
84 Director a [telecommunications] transmission facility location plan. The
85 plan must clearly indicate the location of every existing and the general
86 location of any proposed [telecommunications] transmission facility on
87 land owned or controlled by the department or agency. The department
88 or agency must update the plan each year.

89 (f) Every applicant for a building permit or special exception for a
90 [telecommunications] transmission facility must submit to the Director a
91 [telecommunications] transmission facility location plan if a plan from
92 the applicant is not already on file. The plan must clearly indicate the
93 location of every existing and the general location of any proposed
94 [telecommunications] transmission facility owned or controlled by the
95 applicant. The applicant must update the plan each year. The Director
96 must not disclose any information in the plan which qualifies as
97 confidential under the state public information law to any person except
98 the Director's designee or contractor and the other members of the
99 [Telecommunications] Transmission Facility Coordinating Group, and
100 they must not disclose any such information to any other person.


101 *Approved:*

102  December 8 2005
George L. Leventhal, President, County Council Date

103 *Approved:*

104  12/16/05
Douglas M. Durcan, County Executive Date

105 *This is a correct copy of Council action.*

106  12/19/05
Linda M. Lauer, Clerk of the Council Date