The County Council for Montgomery County, Maryland approve the following Act:
Section 1. Section 2-58E of the Code is amended as follows:


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

(b) As used in this Section:

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

(2) land use agency means the Planning Board, the County Board of Appeals, the Department of Environmental Protection, and any other public agency or body with jurisdiction over the sitting of any [telecommunications] transmission facility, including any municipal land use agency or body; and
land-owning agency means any government agency which owns
or controls any land on which a transmission facility is located or proposed to be located.

As part of the coordination process set up under subsection (a), the Director's designee or contractor must:

(1) maintain a database of all transmission facilities located in the County, including any that the Director knows are proposed to be located in the County;

(2) serve as a central source of information and a technical resource on the siting of transmission facilities for land use agencies, land-owning agencies, private landowners, telecommunications carriers, and the public;

(3) in order to promote the appropriate and efficient location and co-location of transmission facilities and minimize any adverse impact on other land uses in the County and on transmission facilities used by government agencies:

(A) review the siting of each proposed transmission facility;

(B) advise any land use agency or land-owning agency on the technical rationale at that location for any transmission facility and whether it qualifies under County land use laws as a public or private use; and

(C) recommend to any land use agency a decision on any pending siting issue, including any appropriate provisions
governing removal of the facility after its useful life concludes and the posting of a bond to guarantee removal;

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

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

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

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

(B) the Office of Management and Budget;

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

(D) the Department of Public Works and Transportation;

(E) the Department of Environmental Protection; and

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

(2) The Group must:

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

(B) facilitate communications between the member agencies on transmission facility policy and siting issues. The
Group's comments in any quasi-judicial proceeding must be placed on the proceeding record and made available to all parties.

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

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

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

Approved:

Douglas M. Duncan, County Executive  12/14/05

This is a correct copy of Council action.

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