

Resolution No.: 01-01-19
Introduced: 01-14-19
Adopted: 01-14-19
Effective: 01-14-19

BOARD OF MANAGERS
FOR
CHEVY CHASE VILLAGE, MD

SUBJECT: AN EMERGENCY ORDINANCE TO AMEND CHAPTER 25, “PUBLIC RIGHTS-OF-WAY” TO DIVIDE THE CHAPTER INTO ARTICLE I, “GENERAL PROVISIONS” AND ARTICLE II, “WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY”, TO REPEAL, REENACT, AND AMEND SEC. 25-4, “OVERHEAD OR UNDERGROUND WIRES, CABLES, HOSES AND PIPES, AND SIMILAR FACILITIES”, TO RESERVE SEC. 25-12 AND SEC. 25-13, AND TO INCLUDE SEC. 25-1 THROUGH 25-13 IN ARTICLE I; TO ENACT ARTICLE II, SEC. 25-14, “PURPOSE AND SCOPE”, SEC. 25-15, “DEFINITIONS”, SEC. 25-16, “GENERAL STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY”, SEC. 25-17, “APPLICATION SUBMISSION REQUIREMENTS”, SEC. 25-18, “TERMINATION OF PERMIT/BREACH”, SEC. 25-19, “INFRASTRUCTURE OWNED OR CONTROLLED BY THE VILLAGE”, SEC. 25-20, “INSURANCE”, SEC. 25-21, “MAKE-READY WORK”, SEC. 25-22, “RIGHT-OF -WAY REPAIR”, SEC. 25-23, “FACILITIES NO LONGER NEEDED”, AND SEC. 25-24, “SURETY BONDS”, AND TO AMEND CHAPTER 6, “PENALTIES, FEES AND FINES, SEC. 6-2, “FEES AND CHARGES FOR PERMITS AND SERVICES”, AND SEC. 6-3, “MUNICIPAL INFRACTION FINES”, TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF SMALL WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAS, AND OTHER STRUCTURES WITHIN THE VILLAGE'S PUBLIC RIGHTS-OF-WAY OR ON VILLAGE PROPERTY, CONSISTENT WITH FEDERAL AND STATE LAW, PROVIDE FOR A FINE, FEE AND ANNUAL CHARGE AND TO MAKE CONFORMING CHANGES.

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of

Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, Section 801 of the Village Charter authorizes the Board of Managers to do whatever it deems necessary to establish, operate, control, reconstruct, repair, maintain or close the public ways of the Village; and

WHEREAS, Section 206 of the Village Charter authorizes the Board by a vote of five (5) or more members to authorize an emergency ordinance to take effect prior to fourteen (14) days after adoption; and

WHEREAS, the Federal Communications Commission has required municipalities to adopt rules and regulations for the placement of small cell wireless facilities in public rights-of-way and a number of said requirements are effective on January 14, 2019; and

WHEREAS, the Board has determined that it is in the public interest to adopt rules and regulations for the placement of small cell wireless facilities in the public rights-of-way under the Village's supervision and control; and

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearing at which it considered the following emergency ordinance, to take effect immediately upon adoption, in public session assembled on the 14th day of January, 2019.

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN EMERGENCY ORDINANCE TO AMEND CHAPTER 25, "PUBLIC RIGHTS-OF-WAY" TO DIVIDE THE CHAPTER INTO ARTICLE I, "GENERAL PROVISIONS" AND ARTICLE II, "WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY", TO REPEAL, REENACT, AND AMEND SEC. 25-4, "OVERHEAD OR UNDERGROUND WIRES, CABLES, HOSES AND PIPES, AND SIMILAR FACILITIES", TO RESERVE SEC. 25-12 AND SEC. 25-13, AND TO INCLUDE SEC. 25-1 THROUGH 25-13 IN ARTICLE I; TO ENACT ARTICLE II, SEC. 25-14, "SCOPE", SEC. 25-15, "DEFINITIONS", SEC. 25-16, "GENERAL STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY", SEC. 25-17, "APPLICATION SUBMISSION REQUIREMENTS", SEC. 25-18, "TERMINATION OF PERMIT/BREACH", SEC. 25-19, "INFRASTRUCTURE OWNED OR CONTROLLED BY THE VILLAGE", SEC. 25-20, "INSURANCE", SEC. 25-21, "MAKE-READY WORK", SEC. 25-22, "RIGHT-OF -WAY REPAIR", SEC. 25-23, "FACILITIES NO LONGER NEEDED", AND SEC. 25-24, "SURETY BONDS", AND TO AMEND CHAPTER 6, "PENALTIES, FEES AND FINES, SEC. 6-2, "FEES AND CHARGES FOR PERMITS AND SERVICES" AND SEC. 6-3, "MUNICIPAL INFRACTION FINES"; TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF SMALL WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAS, AND OTHER STRUCTURES WITHIN THE VILLAGE'S PUBLIC RIGHTS-OF-WAY OR ON VILLAGE PROPERTY, CONSISTENT WITH FEDERAL AND STATE LAW, PROVIDE FOR A FINE, FEE AND ANNUAL CHARGE AND TO MAKE CONFORMING CHANGES.

SECTION 1

BE IT ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, "Public Rights-of-Way", be and it is hereby divided into Article I, "General Provisions", to include Sec. 25-1 through Sec. 25-13, and Article II, "Wireless Telecommunications Facilities In Public Rights-Of-Way", to include enacted Sec. 25-14 through Sec. 25-24.

SECTION 2

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and

Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article I, “General Provisions”, Sec. 25-4, “Overhead Or Underground Wires, Cables, Hoses and Pipes, and Similar Facilities” be and is hereby repealed, reenacted, and amended to read as follows:

Sec. 25-4. Overhead or underground wires, cables, hoses, pipes, and similar facilities.

(a) Any person or persons, firm or corporation desiring to string, lay, hang, suspend or in any manner place wires of any kind, cables, hoses, pipes, and similar facilities on, over, or under any street or other public right-of-way within the Village must obtain a building permit from the Village Manager. The Village Manager shall issue a building permit upon such terms and conditions as the Village Manager deems appropriate to protect the current and future use of the public right-of-way by the public, and governmental and utility entities. Such building permit shall contain a contract provision for holding the Village harmless from loss, injury or damage related to any such construction.

(b) A written revocable license OR FRANCHISE to use the public right-of-way shall be required for the installation or replacement of wires, cables, hoses, pipes, and similar facilities installed on, over, or under any street or other public right-of-way, except for telecommunication, electric transmission lines, and other facilities operated by a public utility or similar service. The Building Officer and the Village Manager may issue a written license to use the public right-of-way upon such terms and conditions as the Building Officer and the Village Manager deem appropriate to protect the current and future use of the public right-of-way by the public, and governmental and utility entities. SMALL CELL WIRELESS TELECOMMUNICATIONS FACILITIES ARE GOVERNED BY SEC. 25-9, SEC. 25-10 AND SEC. 25-15 *ET SEQ.* OF THIS CHAPTER.

SECTION 3

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and

Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-14, “Scope” , be and it is hereby enacted to read as follows:

SEC. 25-14 PURPOSE AND SCOPE.

A. PURPOSE. THE PURPOSE OF THIS ARTICLE IS TO REGULATE AND PROVIDE PROCEDURES FOR THE INSTALLATION OF SMALL CELL WIRELESS FACILITIES AND TECHNOLOGY IN THE VILLAGE RIGHTS-OF-WAY. THE VILLAGE SEEKS TO ENSURE THAT SMALL CELL WIRELESS FACILITIES AND SUPPORT STRUCTURES ARE CAREFULLY DESIGNED, CONSTRUCTED, COLLOCATED ON EXISTING STRUCTURES WHEN POSSIBLE, MODIFIED, MAINTAINED AND REMOVED WHEN NO LONGER IN USE IN CONFORMANCE WITH ALL APPLICABLE HEALTH AND SAFETY REGULATIONS, AND TO RECOGNIZE THE NEEDS OF THE PUBLIC, AND OF OTHER PROVIDERS THAT MUST SHARE THE RIGHTS-OF-WAY. THE VILLAGE SEEKS TO ENHANCE THE ABILITY OF WIRELESS COMMUNICATIONS CARRIERS TO DEPLOY SMALL CELL WIRELESS TECHNOLOGY IN THE VILLAGE QUICKLY, EFFECTIVELY AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES AND VISITORS BENEFIT FROM ROBUST WIRELESS SERVICE AVAILABILITY, WHILE STILL PRESERVING THE CHARACTER OF THE VILLAGE.

B. SCOPE. IN GENERAL. UNLESS EXEMPTED, EVERY PERSON WHO DESIRES TO PLACE OR MODIFY A SMALL WIRELESS TELECOMMUNICATIONS FACILITY IN VILLAGE RIGHTS-OF-WAY MUST OBTAIN A WIRELESS PLACEMENT PERMIT AUTHORIZING THE PLACEMENT OR MODIFICATION, INCLUDING WITHOUT LIMITATION FOR THE:

- (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;
- (4) MODIFICATION OF A SMALL WIRELESS FACILITY OR A POLE.

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 VILLAGE, THE USE OF WHICH IS SUBJECT TO A CONTRACT FOR USE OF THE FACILITY BETWEEN THE VILLAGE AND THE ENTITY OR ENTITIES THAT OWN OR CONTROL THE WIRELESS TELECOMMUNICATIONS FACILITY;
- (2) THE PLACEMENT OR MODIFICATION OF WIRELESS FACILITIES BY THE VILLAGE.
- (3) MODIFICATIONS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT MAKES NO MATERIAL CHANGE TO THE FOOTPRINT OF A 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 VILLAGE, 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 CHARACTERISTICS OF THE PROPOSED FACILITIES, AND THE WORK ASSOCIATED WITH THEM, SUCH A PERMIT IS NOT REQUIRED TO PROTECT THE PUBLIC HEALTH, WELFARE OR SAFETY, TO MAINTAIN THE CHARACTER OF A NEIGHBORHOOD OR CORRIDOR, OR TO OTHERWISE SERVE THE PURPOSES OF THIS ORDINANCE.

- (4) INSTALLATION OF A MOBILE CELL FACILITY OR A SIMILAR STRUCTURE FOR A TEMPORARY PERIOD IN CONNECTION WITH AN EMERGENCY OR EVENT, BUT NO LONGER THAN REQUIRED FOR THE EMERGENCY OR EVENT, PROVIDED THAT INSTALLATION DOES NOT INVOLVE EXCAVATION, MOVEMENT OR REMOVAL OF EXISTING FACILITIES, AND THAT AT LEAST 30 DAYS PRIOR WRITTEN NOTIFICATION IS PROVIDED TO THE VILLAGE, AND CONSENT FOR PLACEMENT IS GRANTED.

(5) A MICRO WIRELESS FACILITY STRUNG BETWEEN TWO UTILITY POLES AS DEFINED IN SEC. 25-15 AND PROVIDED FURTHER THAT THE INSTALLATION DOES NOT REQUIRE REPLACEMENT OF THE STRAND, OR EXCAVATION, MODIFICATION OR REPLACEMENT OF THE UTILITY POLES.

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

D. PUBLIC USE. EXCEPT AS OTHERWISE PROVIDED BY MARYLAND LAW, ANY USE OF THE RIGHT-OF-WAY AUTHORIZED PURSUANT TO THIS CHAPTER WILL BE SUBORDINATE TO THE VILLAGE'S USE AND USE BY THE PUBLIC.

SECTION 4

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of

Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-15, “Definitions” , be and it is hereby enacted to read as follows:

SEC. 25-15 DEFINITIONS.

TERMS USED IN THIS ARTICLE SHALL HAVE THE FOLLOWING MEANINGS:

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

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

C. ANTENNA: AN APARATUS DESIGED TO EMIT RADIO FREQUENCY (RF) AND OPERATE FROM A FIXED LOCATION TO PROVIDE WIRELESS SERVICES.

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

E. APPLICABLE LAWS/CODES: UNIFORM BUILDING, FIRE, SAFETY, ELECTRICAL, PLUMBING, OR MECHANICAL CODES ADOPTED BY A RECOGNIZED NATIONAL CODE ORGANIZATION TO THE EXTENT SUCH CODES HAVE BEEN ADOPTED BY THE VILLAGE, INCLUDING ANY AMENDMENTS ADOPTED BY THE VILLAGE, OR OTHERWISE ARE APPLICABLE IN THE JURISDICTION.

F. BASE STATION: THE TERM BASE STATION SHALL HAVE THE SAME MEANING AS IN 47 C.F.R. SECTION 1.40001 OF THE CODE OF FEDERAL REGULATIONS.

G. CERTIFICATE OF COMPLETION: A DOCUMENT THAT IS REQUIRED FROM AND ISSUED BY THE VILLAGE CONFIRMING THAT ALL WORK DESCRIBED IN THE APPLICATION, AS APPROVED: (I) WAS PROPERLY PERMITTED, INCLUDING, WITHOUT LIMITATION, ALL REQUIRED PERMITS FOR BUILDING, ELECTRICAL WORK, STREET OR CURB CUTTING, AND EXCAVATION; (II) WAS DONE IN COMPLIANCE WITH AND FULFILLMENT OF ALL CONDITIONS OF ALL PERMITS, INCLUDING ALL STATED DEADLINES; (III) WAS FULLY CONSTRUCTED AND/OR PLACED AS APPROVED AND PERMITTED; AND (IV) WAS FINALLY INSPECTED BY THE VILLAGE, AND WAS APPROVED BY THE VILLAGE AFTER SAID FINAL INSPECTION.

H. COLLOCATE: TO INSTALL OR MOUNT A SMALL WIRELESS FACILITY IN THE PUBLIC ROW 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 SUBTITLE 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. 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.

K. RIGHTS-OF-WAY: THE TERM RIGHTS-OF-WAY INCLUDES ANY PORTION OF ANY STREET, ROAD OR PUBLIC WAY WHICH THE VILLAGE HAS THE RESPONSIBILITY TO MAINTAIN OR MANAGE.

L. SMALL WIRELESS FACILITY: CONSISTENT WITH SUBPART U, PART 1 OF TITLE 47, UNITED STATES CODE, "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:

(1) THE STRUCTURE ON WHICH ANTENNA FACILITIES ARE MOUNTED—

- i. IS 50 FEET OR LESS IN HEIGHT, OR
- ii. IS NO MORE THAN 10 PERCENT TALLER THAN OTHER ADJACENT STRUCTURES, OR

- (2) IS NOT EXTENDED TO A HEIGHT OF MORE THAN 10 PERCENT ABOVE ITS PREEXISTING HEIGHT AS A RESULT OF THE COLLOCATION OF NEW ANTENNA FACILITIES; AND EACH ANTENNA (EXCLUDING ASSOCIATED ANTENNA EQUIPMENT) IS NO MORE THAN THREE CUBIC FEET IN VOLUME; AND
- (3) ALL ANTENNA EQUIPMENT ASSOCIATED WITH THE FACILITY (EXCLUDING ANTENNAS BUT INCLUDING ANY PRE-EXISTING ASSOCIATED EQUIPMENT) ARE CUMULATIVELY NO MORE THAN 28 CUBIC FEET IN VOLUME; AND
- (4) THE FACILITY DOES NOT RESULT IN HUMAN EXPOSURE TO RADIOFREQUENCY RADIATION IN EXCESS OF THE APPLICABLE SAFETY STANDARDS SPECIFIED BY FEDERAL LAW.

M. SUPPORT STRUCTURE: ANY STRUCTURE CAPABLE OF SUPPORTING A BASE STATION.

N. TOWER: ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANY FCC-LICENSED OR AUTHORIZED ANTENNAS AND THEIR ASSOCIATED FACILITIES, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES

SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE. THIS DEFINITION DOES NOT INCLUDE UTILITY POLES.

- O. UTILITY POLE: A STRUCTURE IN THE RIGHTS-OF-WAY DESIGNED TO SUPPORT ELECTRIC, TELEPHONE AND SIMILAR UTILITY LINES. A TOWER IS NOT A UTILITY POLE.
- P. WIRELESS PERMIT: A PERMIT ISSUED PURSUANT TO THIS CHAPTER AND AUTHORIZING THE PLACEMENT OR MODIFICATION OF A WIRELESS TELECOMMUNICATIONS FACILITY OF A DESIGN SPECIFIED IN THE PERMIT AT A PARTICULAR LOCATION WITHIN THE RIGHTS-OF - WAY; AND THE MODIFICATION OF ANY EXISTING SUPPORT STRUCTURE TO WHICH THE WIRELESS TELECOMMUNICATIONS FACILITY IS PROPOSED TO BE ATTACHED.
- Q. WIRELESS SERVICE PROVIDER. AN ENTITY THAT PROVIDES WIRELESS SERVICES TO END USERS.
- R. WIRELESS INFRASTRUCTURE PROVIDER: A PERSON THAT OWNS, CONTROLS, OPERATES OR MANAGES A WIRELESS TELECOMMUNICATION FACILITY OR PORTION THEREOF WITHIN THE RIGHTS-OF-WAY.
- S. WIRELESS REGULATIONS: THOSE REGULATIONS ADOPTED TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.
- T. WIRELESS TELECOMMUNICATIONS FACILITY, OR FACILITY: EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK INCLUDING WITHOUT LIMITATION

RADIO TRANSCEIVERS, ANTENNAS, BASE STATION, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-16, “General Standards For Wireless Telecommunications Facilities in the Rights-Of-Way” , be and it is hereby enacted to read as follows:

SEC. 25-16. GENERAL STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY.

- A. GENERALLY. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL MEET THE MINIMUM REQUIREMENTS SET FORTH IN THIS ARTICLE AND THE WIRELESS REGULATIONS APPROVED BY THE BOARD OF MANAGERS, IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE LAW.
- B. REGULATIONS. THE WIRELESS REGULATIONS AND ADMINISTRATIVE DECISIONS ON APPLICATIONS FOR PLACEMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY SHALL, AT A MINIMUM, ENSURE THAT THE REQUIREMENTS OF THIS SECTION ARE SATISFIED, UNLESS IT IS DETERMINED THAT THE APPLICANT HAS ESTABLISHED THAT DENIAL OF AN APPLICATION WOULD, WITHIN THE MEANING OF FEDERAL LAW, PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF PERSONAL WIRELESS SERVICES, OR OTHERWISE VIOLATE

APPLICABLE LAWS OR REGULATIONS. IF THAT DETERMINATION IS MADE, THE REQUIREMENTS OF THIS CHAPTER AND ANY VILLAGE WIRELESS REGULATIONS MAY BE WAIVED, BUT ONLY TO THE MINIMUM EXTENT REQUIRED TO AVOID THE PROHIBITION.

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

- (1) MINIMIZES RISKS TO PUBLIC SAFETY, AVOIDS INSTALLATION OF NEW SUPPORT STRUCTURES OR EQUIPMENT CABINETS IN THE PUBLIC RIGHTS-OF-WAY AND MAXIMIZES USE OF EXISTING STRUCTURES AND POLES, AVOIDS PLACEMENT IN RESIDENTIAL AREAS WHEN COMMERCIAL AREAS ARE REASONABLY AVAILABLE, AND OTHERWISE MAINTAINS THE INTEGRITY AND CHARACTER OF THE NEIGHBORHOODS AND CORRIDORS IN WHICH THE FACILITIES ARE LOCATED;
- (2) ENSURES THAT INSTALLATIONS ARE SUBJECT TO PERIODIC REVIEW TO MINIMIZE THE INTRUSION ON THE RIGHTS OF WAY; AND
- (3) ENSURES THAT THE VILLAGE BEARS NO RISK OR LIABILITY AS A RESULT OF THE INSTALLATIONS, AND THAT SUCH USE DOES NOT INCONVENIENCE THE PUBLIC, INTERFERE WITH THE PRIMARY USES OF THE PUBLIC RIGHTS-OF-WAY, OR HINDER THE ABILITY OF THE VILLAGE OR OTHER GOVERNMENT AGENCIES TO IMPROVE, MODIFY, RELOCATE, ABANDON OR VACATE THE PUBLIC RIGHTS-OF-WAY OR ANY PORTION THEREOF, OR TO CAUSE THE IMPROVEMENT,

MODIFICATION, RELOCATION, VACATION OR ABANDONMENT OF FACILITIES IN THE RIGHTS-OF-WAY.

- (4) ENSURES THAT LOCATION OF FACILITIES ON EXISTING POLES OR STRUCTURES IS WITHIN THE TOLERANCE OF THOSE POLES OR STRUCTURES.

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

- (1) ANTENNAS LOCATED AT THE TOP OF SUPPORT STRUCTURES SHALL BE INCORPORATED INTO THE STRUCTURE, OR PLACED WITHIN SHROUDS OF A SIZE SUCH THAT THE ANTENNA APPEARS TO BE PART OF THE SUPPORT STRUCTURE.
- (2) ANTENNAS PLACED ELSEWHERE ON A SUPPORT STRUCTURE SHALL BE INTEGRATED INTO THE STRUCTURE, OR BE DESIGNED AND PLACED TO MINIMIZE VISUAL IMPACTS.
- (3) RADIO UNITS OR EQUIPMENT CABINETS HOLDING RADIO UNITS AND MOUNTED ON A UTILITY POLE SHALL BE PLACED AS HIGH AS POSSIBLE ON A SUPPORT STRUCTURE, LOCATED TO AVOID INTERFERING WITH, OR CREATING ANY HAZARD TO, ANY OTHER USE OF THE PUBLIC RIGHTS OF WAY, AND LOCATED ON

ONE SIDE OF THE UTILITY POLE. UNLESS THE RADIO UNITS OR EQUIPMENT CABINETS CAN BE CONCEALED BY APPROPRIATE TRAFFIC SIGNAGE, RADIO UNITS OR EQUIPMENT CABINETS MOUNTED BELOW THE COMMUNICATIONS SPACE ON UTILITY POLES SHALL BE DESIGNED SO THAT THE LARGEST DIMENSION IS VERTICAL, AND THE WIDTH IS SUCH THAT THE RADIO UNITS OR EQUIPMENT CABINETS ARE MINIMALLY VISIBLE FROM THE OPPOSITE SIDE OF THE SUPPORT STRUCTURE ON WHICH THEY ARE PLACED.

- (4) WIRING AND CABLING SHALL BE NEAT AND CONCEALED WITHIN OR FLUSH TO THE SUPPORT STRUCTURE, ENSURING CONCEALMENT OF THESE COMPONENTS TO THE GREATEST EXTENT POSSIBLE.
- (5) GROUND-MOUNTED EQUIPMENT ASSOCIATED WITH A WIRELESS TELECOMMUNICATIONS FACILITY SHALL BE PERMITTED ONLY WHERE CONSISTENT WITH THE PORTION OF THE CORRIDOR IN WHICH IT IS TO BE PLACED, AND MAY BE REQUIRED TO BE UNDERGROUND, LOCATED IN ALLEYS OR OTHERWISE SHIELDED. IN NO EVENT MAY GROUND-MOUNTED EQUIPMENT INTERFERE WITH PEDESTRIAN OR VEHICULAR TRAFFIC.
- (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.
- (8) NO PERMIT SHALL BE ISSUED EXCEPT TO WIRELESS SERVICE PROVIDERS WITH IMMEDIATE PLANS FOR USE OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY; OR 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 VILLAGE, NO WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN RIGHTS-OF-WAY IN ALLEYS.
- (10) NO WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN ANY LOCAL HISTORIC DISTRICT WITHOUT THE APPROVAL OF THE MONTGOMERY COUNTY HISTORIC PRESERVATION

COMMISSION.

SECTION 6

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-17, “Application Submission Requirements” , be and it is hereby enacted to read as follows:

SEC. 25-17. 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 VILLAGE MANAGER’S OFFICE.

B. CONTENT. AN APPLICATION MUST CONTAIN:

- (1) THE NAME OF THE APPLICANT, ITS TELEPHONE NUMBER AND CONTACT INFORMATION, AND IF THE APPLICANT IS A WIRELESS INFRASTRUCTURE PROVIDER, THE NAME AND CONTACT INFORMATION FOR THE WIRELESS SERVICE PROVIDER(S) THAT WILL BE USING THE WIRELESS TELECOMMUNICATIONS FACILITY;
- (2) A COMPLETE DESCRIPTION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AND THE WORK THAT WILL BE REQUIRED TO INSTALL OR MODIFY IT, INCLUDING

BUT NOT LIMITED TO DETAIL REGARDING PROPOSED EXCAVATIONS, IF ANY; ANY WORK THAT WOULD IMPACT ANY TREE IN THE RIGHTS-OF-WAY; DETAILED SITE PLANS SHOWING THE LOCATION OF THE WIRELESS TELECOMMUNICATIONS FACILITY, AND SPECIFICATIONS FOR EACH ELEMENT OF THE WIRELESS TELECOMMUNICATIONS FACILITY, CLEARLY DESCRIBING THE SITE AND ALL STRUCTURES AND FACILITIES AT THE SITE BEFORE AND AFTER INSTALLATION OR MODIFICATION; AND A DESCRIPTION OF THE DISTANCE TO THE NEAREST RESIDENTIAL DWELLING UNIT AND ANY CONTRIBUTING HISTORICAL STRUCTURE WITHIN 500 FEET OF THE FACILITY. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED. THE ELECTRONIC VERSION OF AN APPLICATION MUST BE IN A STANDARD FORMAT THAT CAN BE EASILY UPLOADED ON A WEB PAGE FOR REVIEW BY THE PUBLIC.

- (3) APPLICANT SHALL FILE A PEER REVIEW CERTIFICATION FROM AN INDEPENDENT, LICENSED ENGINEER THAT ALL SUBMITTED DESIGN PLAN DOCUMENTS ARE IN CONFORMANCE WITH THIS ARTICLE AND ALL OTHER APPLICABLE CODES AND DESIGN STANDARDS, AND A RECOMMENDATION FOR APPROVAL OF THE APPLICATION.

- (4) AN APPLICATION FOR MODIFICATION OF AN ELIGIBLE SUPPORT STRUCTURE MUST CONTAIN INFORMATION SUFFICIENT TO SHOW THAT THE APPLICATION QUALIFIES UNDER OF 47 C.F.R. SECTION 1.40001, CODE OF FEDERAL REGULATIONS. THE APPLICATION MUST RELATE TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT HAS BEEN APPROVED BY THE VILLAGE PURSUANT TO THIS ARTICLE. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED WITH DETAILED SPECIFICATIONS DEMONSTRATING THAT THE MODIFICATION DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE EXISTING APPROVED STRUCTURE.
- (5) AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED IN THE FORMAT AND MANNER SPECIFIED BY THE VILLAGE MANAGER. APPLICATIONS MUST CONTAIN ALL INFORMATION REQUIRED HEREIN AND BY ANY WIRELESS REGULATIONS TO DEMONSTRATE THAT APPLICANT IS ENTITLED TO THE PERMIT REQUESTED.
- (6) APPLICANT MUST PROVIDE ANY INFORMATION UPON WHICH IT RELIES IN SUPPORT OF A CLAIM THAT DENIAL OF THE APPLICATION WOULD PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF SERVICE IN

VIOLATION OF FEDERAL LAW, OR OTHERWISE VIOLATE APPLICABLE LAW. APPLICANTS ARE NOT PERMITTED TO SUPPLEMENT THIS SHOWING IF DOING SO WOULD PREVENT THE VILLAGE FROM COMPLYING WITH ANY DEADLINE FOR ACTION ON AN APPLICATION.

- (7) PROOF THAT NOTICE HAS BEEN MAILED TO OWNERS OF ALL PROPERTY WITHIN 300 FEET OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.
- (8) A COPY OF ANY POLE OR STRUCTURE ATTACHMENT AGREEMENT MUST BE PROVIDED, AS WELL AS SUFFICIENT INFORMATION TO DETERMINE THAT THE INSTALLATION CAN BE SUPPORTED BY AND DOES NOT EXCEED THE TOLERANCES OF THE POLE OR STRUCTURE.
- (9) PAYMENT OF ANY REQUIRED FEES.
- (10) BEFORE A PERMIT IS ISSUED, CONCURRENT AGREEMENT TO ANY REQUIRED FRANCHISE OR LICENSE AGREEMENT MUST BE PROVIDED.

C. FEES. APPLICANT MUST PROVIDE AN APPLICATION FEE, AND SHALL BE REQUIRED TO PAY ALL COSTS REASONABLY INCURRED BY VILLAGE IN REVIEWING THE APPLICATION, INCLUDING COSTS INCURRED IN RETAINING OUTSIDE CONSULTANTS. APPLICANT SHALL ALSO PAY AN ACCESS FEE.

D. WAIVERS. REQUESTS FOR WAIVERS FROM ANY REQUIREMENT OF

THIS ARTICLE SHALL BE MADE IN WRITING TO THE VILLAGE MANAGER OR DESIGNEE. THE SAME MAY GRANT A REQUEST FOR WAIVER IF IT IS DEMONSTRATED THAT, NOTWITHSTANDING THE ISSUANCE OF A WAIVER, THE VILLAGE WILL BE PROVIDED ALL INFORMATION NECESSARY TO UNDERSTAND THE NATURE OF THE CONSTRUCTION OR OTHER ACTIVITY TO BE CONDUCTED PURSUANT TO THE PERMIT SOUGHT.

E. PROCESSING OF APPLICATIONS. FOR SMALL WIRELESS FACILITIES, AS THOSE TERMS ARE DEFINED UNDER FEDERAL LAW, AND ELIGIBLE FACILITIES REQUESTS, AS THAT TERM IS DEFINED UNDER FEDERAL LAW, APPLICATIONS WILL BE PROCESSED IN CONFORMITY WITH STATE, LOCAL AND FEDERAL LAW, AS AMENDED. CURRENTLY, THE FCC HAS REQUIRED THAT SUCH APPLICATIONS BE PROCESSED WITHIN SIXTY (60) DAYS OF RECEIPT OF A COMPLETED APPLICATION FOR FACILITIES THAT WILL BE COLLOCATED ON PREEXISTING STRUCTURES, AND NINETY (90) DAYS FOR NEW CONSTRUCTION.

F. REJECTION FOR INCOMPLETENESS. NOTICES OF INCOMPLETENESS SHALL BE PROVIDED IN CONFORMITY WITH STATE, AND LOCAL AND FEDERAL LAW. IF SUCH AN APPLICATION IS INCOMPLETE, IT MAY BE REJECTED BY A WRITTEN ORDER SPECIFYING THE MATERIAL OMITTED FROM THE APPLICATION, OR THE VILLAGE MAY NOTIFY THE APPLICANT OF THE MATERIAL OMITTED AND

PROVIDE AN OPPORTUNITY TO SUBMIT THE MISSING MATERIAL.
THE TIME IMPOSED BY FEDERAL, STATE OR LOCAL LAW FOR THE
PROCESSING OF AN APPLICATION DOES NOT BEGIN TO RUN UNTIL
AN APPLICATION IS COMPLETE.

G. FINAL INSPECTION. UPON COMPLETION OF THE APPROVED WORK,
THE APPLICANT MUST FILE A STATEMENT OF THE PROFESSIONAL
OPINION BY AN INDEPENDENT, QUALIFIED ENGINEER LICENSED IN THE
STATE OF MARYLAND THAT INDICATES THAT THE INSTALLATION,
BASED UPON THEIR ACTUAL INSPECTIONS, IN THEIR OPINION AND TO
THE BEST OF THEIR KNOWLEDGE, MEETS THE REQUIREMENTS OF THE
APPROVED PLAN DOCUMENTS, THIS ARTICLE AND OTHER APPLICABLE
LAW. CERTIFICATIONS MUST BE SIGNED AND SEALED BY THE
QUALIFIED ENGINEER MAKING THE STATEMENT. UPON RECEIPT OF THE
STATEMENT, AND ANY REQUIRED VILLAGE INSPECTION, THE WORK
MAY BE ACCEPTED AND A CERTIFICATE OF COMPLETION MAY BE
ISSUED BY THE VILLAGE.

SECTION 7

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the
Board of Managers of Chevy Chase Village, acting under and by virtue of the authority
granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland,
and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II,
“Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-18,
“Termination of Permit/Breach” , be and it is hereby enacted to read as follows:

SEC. 25-18. TERMINATION OF PERMIT/BREACH.

- A. FOR BREACH. A WIRELESS TELECOMMUNICATIONS PERMIT MAY BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE PERMIT, FRANCHISE, LICENSE OR APPLICABLE LAW. UPON REVOCATION, THE WIRELESS TELECOMMUNICATIONS FACILITY MUST BE REMOVED WITHIN THIRTY (30) DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF A SUPPORT STRUCTURE OWNED BY VILLAGE, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE VILLAGE. ALL COSTS INCURRED BY THE VILLAGE IN CONNECTION WITH THE REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.
- B. FOR INSTALLATION WITHOUT A PERMIT. A WIRELESS TELECOMMUNICATIONS FACILITY INSTALLED WITHOUT A WIRELESS PERMIT (EXCEPT FOR THOSE EXEMPTED BY THIS ARTICLE) MUST BE REMOVED WITHIN THIRTY (30) DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF SUPPORT STRUCTURE OWNED BY VILLAGE, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT OF WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS

SPECIFICALLY PERMITTED BY THE VILLAGE. ALL COSTS INCURRED BY THE VILLAGE IN CONNECTION WITH THE REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.

C. TERM. A WIRELESS PERMIT, OTHER THAN A PERMIT ISSUED PURSUANT TO AN ELIGIBLE FACILITIES REQUEST, SHALL BE VALID FOR A PERIOD OF FIVE (5) YEARS. AN ELIGIBLE FACILITIES PERMIT SHALL EXPIRE AT THE SAME TIME THE PERMIT FOR THE UNDERLYING EXISTING WIRELESS TELECOMMUNICATIONS FACILITY EXPIRES. A PERSON HOLDING A WIRELESS TELECOMMUNICATIONS PERMIT MUST EITHER REMOVE THE WIRELESS TELECOMMUNICATIONS FACILITY UPON EXPIRATION (PROVIDED THAT REMOVAL OF SUPPORT STRUCTURE OWNED BY THE VILLAGE, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE VILLAGE); OR, AT LEAST NINETY (90) DAYS PRIOR TO EXPIRATION, MUST SUBMIT AN APPLICATION TO RENEW THE PERMIT, WHICH APPLICATION MUST DEMONSTRATE THAT THE IMPACT OF THE WIRELESS TELECOMMUNICATIONS FACILITY CANNOT BE REDUCED. THE WIRELESS TELECOMMUNICATIONS FACILITY MUST REMAIN IN PLACE UNTIL IT IS ACTED UPON BY

THE VILLAGE, AND ANY APPEAL FROM THE VILLAGE'S DECISION
IS EXHAUSTED.

SECTION 8

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-19, “Infrastructure Owned or Controlled by the Village”, be and it is hereby enacted to read as follows:

SEC. 19. INFRASTRUCTURE OWNED OR CONTROLLED BY THE VILLAGE.

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

SECTION 9

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland,

and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-20, “Insurance” , be and it is hereby enacted to read as follows:

SEC. 25-20. INSURANCE.

- A. THE VILLAGE SHALL REQUIRE A WIRELESS INFRASTRUCTURE PROVIDER TO INDEMNIFY AND HOLD HARMLESS THE VILLAGE AND ITS OFFICIALS, OFFICERS AND EMPLOYEES AGAINST ANY LOSS, DAMAGE, OR LIABILITY TO THE EXTENT THAT IT IS CAUSED BY THE NEGLIGENT OR WILLFUL ACT OR OMISSION OF THE WIRELESS INFRASTRUCTURE PROVIDER WHO OWNS OR OPERATES SMALL WIRELESS FACILITIES OR POLES IN THE RIGHT-OF-WAY, ITS AGENTS, OFFICERS, DIRECTORS, REPRESENTATIVES, EMPLOYEES, AFFILIATES, OR SUBCONTRACTORS, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES.
- B. DURING THE PERIOD IN WHICH THE FACILITIES OF A WIRELESS INFRASTRUCTURE PROVIDER ARE LOCATED ON OR ATTACHED TO THE VILLAGE’S ASSETS OR RIGHTS-OF-WAY, THE VILLAGE MAY REQUIRE A WIRELESS INFRASTRUCTURE PROVIDER TO:
 - (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 VILLAGE IMPROVEMENTS OR RIGHTS-OF-WAY TO AFFORD PROTECTION WITH LIMITS NOT INCONSISTENT WITH ITS REQUIREMENTS OF OTHER USERS OF VILLAGE IMPROVEMENTS OR RIGHTS-OF-WAY, INCLUDING COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE; AND
- (2) INCLUDE THE VILLAGE AS AN ADDITIONAL INSURED ON THE COMMERCIAL GENERAL LIABILITY POLICY AND PROVIDE CERTIFICATION AND DOCUMENTATION OF INCLUSION OF THE VILLAGE IN A COMMERCIAL GENERAL LIABILITY POLICY AS REASONABLY REQUIRED BY THE VILLAGE.

SECTION 10

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way” Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-21, “Make-Ready Work”, be and it is hereby enacted to read as follows:

SEC. 25-21. MAKE-READY WORK.

A. THE VILLAGE 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 VILLAGE, OR HAVING THE VILLAGE 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 VILLAGE AT THE REQUEST OF A WIRELESS INFRASTRUCTURE PROVIDER, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL REIMBURSE THE VILLAGE FOR THE VILLAGE'S ACTUAL AND DOCUMENTED COST OF THE MAKE-READY WORK.

SECTION 11

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, "Public Rights-of-Way" Article II, "Wireless Telecommunications Facilities In Public Rights-Of-Way", Sec. 25-22, "Right-of-Way Repair", be and it is hereby enacted to read as follows:

SEC. 25-22. RIGHT-OF -WAY REPAIR.

THE WIRELESS INFRASTRUCTURE PROVIDER SHALL BE REQUIRED TO PROMPTLY:

A. REPAIR ANY DAMAGE TO THE PUBLIC RIGHT-OF-WAY OR ANY DAMAGES TO FACILITIES IN THE RIGHT-OF-WAY DIRECTLY CAUSED BY THE ACTIVITIES OF THE WIRELESS INFRASTRUCTURE PROVIDER, RETURN THE RIGHT-OF-WAY TO THE RIGHT-OF-WAY'S CONDITION PRIOR TO THE DAMAGES CAUSED BY THE

WIRELESS INFRASTRUCTURE PROVIDER.

- B. REMOVE AND RELOCATE THE PERMITTED SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE EXPENSE TO ACCOMMODATE CONSTRUCTION OF A PUBLIC IMPROVEMENT PROJECT BY THE VILLAGE. IF THE WIRELESS INFRASTRUCTURE PROVIDER FAILS TO REMOVE OR RELOCATE THE SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE OR PORTION THEREOF AS REQUESTED BY THE VILLAGE WITHIN 120 DAYS OF THE VILLAGE'S NOTICE, THEN THE VILLAGE SHALL BE ENTITLED TO REMOVE THE SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE, OR PORTION THEREOF AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE, WITHOUT FURTHER NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER. THE WIRELESS INFRASTRUCTURE PROVIDER SHALL, WITHIN 30 DAYS FOLLOWING ISSUANCE OF INVOICE FOR THE SAME, REIMBURSE THE VILLAGE FOR ITS REASONABLE EXPENSES INCURRED IN THE REMOVAL (INCLUDING, WITHOUT LIMITATION, OVERHEAD AND STORAGE EXPENSES) OF THE SMALL CELL FACILITIES AND/OR WIRELESS SUPPORT STRUCTURE, OR PORTION THEREOF.
- C. AT ITS SOLE COST AND EXPENSE, PROMPTLY DISCONNECT, REMOVE, OR RELOCATE THE APPLICABLE SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE WITHIN THE TIME FRAME AND IN THE MANNER REQUIRED BY THE VILLAGE IF THE VILLAGE REASONABLY DETERMINES THAT THE DISCONNECTION, REMOVAL, OR RELOCATION OF ANY PART OF A

SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE (A) IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, WELFARE, OR VILLAGE PROPERTY, OR (B) THE WIRELESS INFRASTRUCTURE PROVIDER FAILS TO OBTAIN ALL APPLICABLE LICENSES, PERMITS, AND CERTIFICATIONS REQUIRED BY LAW FOR ITS SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE.

(1) IF THE VILLAGE REASONABLY DETERMINES THAT THERE IS IMMINENT DANGER TO THE PUBLIC, THEN THE VILLAGE MAY IMMEDIATELY DISCONNECT, REMOVE, OR RELOCATE THE APPLICABLE SMALL CELL FACILITY AND/OR WIRELESS SUPPORT STRUCTURE AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE.

SECTION 12

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way” Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-23, “Facilities No Longer Needed”, be and it is hereby enacted to read as follows:

SEC. 25-23. FACILITIES NO LONGER NEEDED.

A. A WIRELESS INFRASTRUCTURE PROVIDER SHALL PROMPTLY NOTIFY THE VILLAGE OF A DECISION TO REMOVE FROM SERVICE A WIRELESS FACILITY LOCATED ON A PUBLIC RIGHT-OF-WAY.

- B. A WIRELESS INFRASTRUCTURE PROVIDER SHALL REMOVE A WIRELESS FACILITY THAT IS NO LONGER NEEDED FOR SERVICE AND LOCATED ON A PUBLIC RIGHT-OF-WAY AT THE SOLE COST AND EXPENSE OF THE WIRELESS INFRASTRUCTURE PROVIDER.
- C. IF THE VILLAGE CONCLUDES THAT A WIRELESS FACILITY HAS BEEN ABANDONED IN PLACE, THE VILLAGE MAY REMOVE THE WIRELESS FACILITY AND INVOICE THE WIRELESS INFRASTRUCTURE PROVIDER FOR THE ACTUAL AND DOCUMENTED COST INCURRED BY THE VILLAGE FOR REMOVAL.
- D. UNTIL A WIRELESS FACILITY THAT IS LOCATED ON PUBLIC RIGHT-OF-WAY IS REMOVED FROM THE PUBLIC RIGHT-OF-WAY, A WIRELESS INFRASTRUCTURE PROVIDER SHALL PAY ALL FEES AND CHARGES DUE THE VILLAGE, REGARDLESS OF WHETHER A WIRELESS FACILITY IS OPERATIONAL.

SECTION 13

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 25, “Public Rights-of-Way” Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”, Sec. 25-24, “Surety Bonds”, be and it is hereby enacted to read as follows:

SEC. 25-24 SURETY BONDS

- A. THE VILLAGE MAY REQUIRE A SURETY BONDING FOR WIRELESS INFRASTRUCTURE PROVIDERS.
- B. THE PURPOSE OF A SURETY BOND REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE TO:
 - (1) PROVIDE FOR THE REMOVAL OF ABANDONED OR IMPROPERLY MAINTAINED SMALL WIRELESS FACILITIES, INCLUDING THOSE THAT THE VILLAGE REQUIRES TO BE REMOVED TO PROTECT PUBLIC HEALTH, SAFETY, OR WELFARE, AND RESTORE THE RIGHTS-OF-WAY; AND
 - (2) RECOUP RATES OR FEES THAT HAVE NOT BEEN PAID BY A WIRELESS INFRASTRUCTURE PROVIDER, SUBJECT TO THIRTY (30) DAYS PRIOR WRITTEN NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER AND THE OPPORTUNITY TO PAY THE RATES OR FEES OUTSTANDING.

SECTION 14

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 6, “Penalties, Fees and Fines”, Sec. 6-2, “Fees and charges for permits and services”, be and it is hereby repealed, re-enacted and amended to read as follows:

SEC. 6-2. Fees and charges for permits and services.

The Board of Managers hereby establishes the following fees and charges for permits, certificates and services performed by the Village:

- (a) *Building permits and licenses (Chapter 8 and Chapter 25).*
 - (1) – (8) * * * *
 - (9) Overhead and underground wires, cables, hoses, pipes and similar facilities 30.00
 - plus:
 - a. for street and/or sidewalk cut other than for the purpose of connecting a utility to premises OR FOR INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES:
 - (i) asphalt and concrete : \$3.20 per linear foot – \$130.00 minimum.
 - (ii) grass strips: \$1.65 per linear foot - \$130.00 minimum.
 - b. for overhead wires: \$1.50 per linear foot – \$130.00 minimum.
 - (10) – (25) * * * *
 - (26) WIRELESS COMMUNICATIONS FACILITIES AND RELATED OVERHEAD AND UNDERGROUND WIRING, CABLE, HOSES, PIPES AND SIMILAR FACILITIES
 - A. UP TO FIVE \$500.00
 - B. EACH ADDITIONAL \$100.00
 - C. EACH NEW POLE \$1,000.00
 - D. ANNUAL ACCESS FEE \$270.00 PER WIRELESS FACILITY
 - E. ACTUAL COST TO REVIEW APPLICATIONS, IF IN EXCESS OF SET FEES

* * * * *

SECTION 15

AND BE IT FURTHER ORDAINED AND ORDERED this 14th day of January, 2019, by the

Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 6, “Penalties, Fees and Fines”, Sec. 6-3, “Municipal Infraction Fines”, be and it is hereby repealed, re-enacted and amended to read as follows:

Sec. 6-3. Municipal infraction fines.

The fines for violating the requirements of the following sections are:

- (a) through (f) * * * *
- (g) Public rights-of-way (Chapter 25).

(1)	Sec. 25-3, disruption of Village streets or sidewalks	150.00
(2)	Sec. 25-4, overhead or underground wires, etc.	150.00
(3)	Sec. 25-5, driveways and walkways crossing public right-of-way	50.00
(4)	Sec. 25-6, structures, fences, walls, lamp posts, hand rails, etc. in public right-of-way	100.00
(5)	Sec. 25-7, removal of snow and ice from public sidewalks	50.00
(6)	Sec. 25-8, tree permit requirement (public right-of-way trees, at least twenty-four (24) inches in circumference or larger)	1,000.00
(7)	Sec. 25-8, tree permit requirement (public right-of-way trees, less than twenty-four (24) inches in circumference)	200.00
(8)	Sec. 25-9, maintenance of the public right-of-way	100.00 Repeat Violation 100.00 each

- | | | |
|------|---|----------------|
| (9) | Sec. 25-11, violation of stop work order..... | 500.00 |
| (10) | VIOLATION OF ARTICLE II, SEC. 25-14 THROUGH 25-23 | 150.00 |
| | | EACH VIOLATION |

(h) Each day that a violation continues shall constitute a separate offense and be subject to an additional fine.

SECTION 16

AND BE IT FURTHER ORDAINED AND ORDERED, this 14th day of January, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that:

- (1) This ordinance is adopted as an emergency ordinance.
- (2) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (3) This ordinance shall take effect on the 14th day of January, 2019.

CHEVY CHASE VILLAGE

 Elissa Leonard, Chair
 Board of Managers
 Chevy Chase Village

ATTEST:

 Shana R. Davis-Cook, Village Manager