

DRAFT 10-03-2019

Ordinance No: 2019-17
Introduced by Town Council: 10/14/2019
Public Hearing: xx/xx/2019
Enacted: xx/xx/2019
Effective: xx/xx/2019

ORDINANCE TO CONFIRM REQUIREMENTS FOR PUBLIC WAYS AND PROPERTY PERMITS FOR SMALL WIRELESS TELECOMMUNICATION FACILITIES AND TO ESTABLISH PROCESS AND CRITERIA FOR PERMITS AND AGREEMENTS

WHEREAS, the Charter for the Town of Washington Grove empowers the Town Council to adopt ordinances to:

- control, protect, and maintain public buildings, grounds, and property of the Town;
- maintain in good condition the public ways of the Town; and
- establish, regulate, and change from time to time the grade lines, widths, and construction materials of any Town public way or part thereof.

WHEREAS, Ordinance No. 2012-07 was effective in 2013 amending Article III, “Traffic, Vehicles and Transportation” to enact permit requirements for construction in the public ways under Town jurisdiction and on Town property; provide for stop work orders; set permit fees; and assist with protecting public property, public ways, and the character of the Town.

WHEREAS, under federal law, Town law may not prohibit provision of a telecommunications service, and prohibiting deployment of any antennas in a residential neighborhood may have the unintentional effect of prohibiting the provision of service.

WHEREAS, the Town has an interest in ensuring that all residents have access to robust, affordable broadband telecommunications service.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Washington Grove, Maryland that Article XVIII, SMALL WIRELESS TELECOMMUNICATIONS FACILITIES, be and is hereby enacted to read as attached herein.

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Washington Grove, that Article XVI, “Schedule of Fees”, Section 10, “Public Ways and Property Agreement Permit Fee” is hereby amended to read as follows:

Section 10. Public Ways and Property Permit Fees

- (A) The [~~filin~~g fee for a] public ways and property permit APPLICATION FEE is \$100.00.
(B) THE PUBLIC WAYS AND PROPERTY AGREEMENT FEE IS \$300.00.
(C) THE PUBLIC WAYS AND PROPERTY USE FEE IS \$300.00 RECURRING ON AN ANNUAL BASIS.

CAPS : Indicate matter added to existing law as Introduced.
[Brackets] : Indicate matter deleted from law as Introduced.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance
Italics (bold) : Indicate matter added after Introduction.
[Brackets-Italics-bold] : Indicate matter deleted after Introduction.

EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ENACTED THIS _____ DAY OF _____, 20__.

TOWN OF WASHINGTON GROVE

Mayor

ATTEST:

Town Clerk

Date

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