



## Takoma Park City Council Meeting – June 19, 2019 Agenda Item 6

### **Work Session**

Proposed Administrative Regulations – Telecommunications Facilities and Equipment in City Rights-of-Way

### **Recommended Council Action**

Discuss proposed Administrative Regulations

### **Context with Key Issues**

The City has the authority to regulate some aspects of cell tower installation, such as the location, placement, aesthetics, notification process, and fees. Montgomery County zoning codes govern where wireless telecommunication facilities can be sited generally and also dictate required setbacks from dwellings. The City can also establish a permitting process to ensure that any small cell towers or antennas, permitted by the County for placement in Takoma Park, meet certain safety and aesthetic requirements.

After several public discussions about the various issues noted above, the Council voted to amend the City's Code regarding right-of-way work permits on January 9, 2019, just days before a related FCC ruling went into effect. The amendments are intended to comply with the limitations of federal law while maximizing the City's control over its rights-of-way.

Administrative Regulations are now being proposed for the implementation and enforcement of Takoma Park Code, Chapter 11.12 Streets – Permits and Improvements, to regulate the installation of certain telecommunications facilities and equipment in City rights-of-way. Pursuant to the requirements of the "Administrative Regulations Ordinance" (Authority: Chapter 2.12 "Administrative Regulations," of the Takoma Park Code), notice of the City's intent to adopt an administrative regulation has been publicly noted, providing the public with an opportunity to comment on the proposal.

The Council is scheduled to hold a Work Session on the subject tonight, with final publication and notice scheduled for July.

The purpose of tonight's item is to provide Council with an additional opportunity to discuss the proposed regulations and make suggestions for revisions. The discussion follows a presentation and public hearing that occurred last week.

### **Council Priority**

- A Livable Community For All; Fiscally Sustainable Government; Environmentally Sustainable Community

### **Environmental Considerations**

- The Ordinance passed by Council in January addresses compliance with City tree and stormwater requirements.
- The Federal Telecommunications Act of 1996 does not allow local governments to deny the siting of a small cell facility on the basis of radio frequency emissions effects, even though FCC Radio Frequency (RF) guidelines have not been updated since 1996.
- Wireless technologies generally use more power than wired technologies.

### **Fiscal Considerations**

The Ordinance and proposed Administrative Regulations call for fees that cover the costs associated with right-of-way permit application review and maintenance when installations occur in the right-of-way.

### **Racial Equity Considerations**

The Administrative Regulations would apply throughout the City. The City will endeavor to ensure that the installation of cell towers do not positively or adversely affect different parts of the City in an inequitable way. We will also monitor the availability of wireless broadband service throughout the City and encourage and advocate for deployment in underserved areas if disparities are discovered. The Ordinance allows for the provision of incentives for the installation of communications facilities in underserved areas and for providing new connections to multi-family rental facilities.

### **Attachments and Links**

- Link to Proposed Administrative Regulations:  
<https://documents.takomaparkmd.gov/government/city-clerk/administrative-regulations/proposed-reg-small-cell-wireless-facilities-2019-04-23.pdf>