

Town of Chevy Chase
Small Wireless Telecommunications Facilities
(Permit Application Filing Deadline)

Ordinance No.:
Introduced:
Adopted:
Effective Date:

AN ORDINANCE TO AMEND CHAPTER 26 OF THE TOWN CODE, CONCERNING SMALL WIRELESS TELECOMMUNICATIONS FACILITIES, TO CLARIFY THE TOWN PERMIT APPLICATION FILING DEADLINE THAT FOLLOWS THE FILING OF A SITING, MODIFICATION, PERMIT, OR OTHER APPLICATION WITH MONTGOMERY COUNTY, MARYLAND, FOR THE SAME WORK.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, United States Code, Title 47, Section 332, provides that a local government may exercise control regarding the placement, construction, and modification of personal wireless service facilities, provided the local government does not unreasonably discriminate among providers of functionally equivalent services; and does not prohibit the provision of personal wireless services;

WHEREAS, the Town of Chevy Chase holds and maintains the streets and highways within its municipal boundaries in trust for the benefit, use, and convenience of the general public;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 10th day of March, 2021;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in an open meeting conducted on the _____ day of _____, 2021;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this _____ day of _____, 2021, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter, the Town Council does hereby adopt the foregoing Ordinance and amend the Town Code as follows:

* * *

Chapter 26.

TELECOMMUNICATIONS

* * *

Sec. 26-48. - Permit and access agreement required.

(a) No person shall construct, install, maintain, or perform any work in the public right-of-way related to a communications facility or any tower, without first receiving a permit and paying any applicable fee, as required under this article. No permit shall be issued until the applicant has entered into a right-of-way access agreement in a form approved by the town, according to this article. A permit shall not be required for ordinary maintenance and repair, as determined by the town. A permit application shall be filed with the town no later than seven (7) calendar days after a siting, modification, permit, or other application has been filed with Montgomery County, Maryland, for the same work.

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the ____ day of _____, 2020 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged