

# COUNCIL OF THE TOWN OF RIVERDALE PARK

## Revised Ordinance 2019-OR-06

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**Introduced By:** CM Christopher Henry

**Date Introduced:** September 9, 2019

**Amendments Adopted:**

**Date Adopted:** November 4, 2019

**Date Effective:** November 24, 2019

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**AN ORDINANCE** concerning

### **WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES**

**FOR** the purpose of providing certain design guidelines relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way, consistent with federal and state law; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

**BY** adding  
Chapter 74, Wireless Telecommunications Facilities Design Guidelines  
Sections 74-1 through 74-12, of the Code of the Town of Riverdale Park,  
inclusive

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to provide design guidelines for the installation of wireless telecommunications facilities in the Town's rights-of-way that is consistent with federal and State law; Now therefore,

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Key:  
CAPS: Indicate matter added to existing law.

**SECTION 1. BE IT ENACTED, BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK** that Chapter 74, “Wireless Telecommunications Facilities Design Guidelines”, consisting of Sections 74-1 through 74-12, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 73 of the Code and to read as follows:

**CHAPTER 74, WIRELESS TELECOMMUNICATIONS FACILITIES  
DESIGN GUIDELINES**

**SECTION 74-1. PURPOSE.**

THE PURPOSE OF THESE GUIDELINES IS TO ESTABLISH GENERAL PROCEDURES AND STANDARDS, CONSISTENT WITH ALL APPLICABLE COUNTY, FEDERAL, AND STATE LAWS, FOR THE SITING, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, RELOCATION, OPERATION, AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (“FACILITIES”) WITHIN THE TOWN OF RIVERDALE PARK’S (“TOWN”) RIGHTS-OF-WAY. THE GOALS OF THESE GUIDELINES ARE TO:

- A. PROVIDE STANDARDS, TECHNICAL CRITERIA, AND DETAILS FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE TOWN’S RIGHTS-OF-WAY TO BE UNIFORMLY APPLIED TO ALL APPLICANTS AND OWNERS OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES OR SUPPORT STRUCTURES FOR SUCH FACILITIES;
- B. ENHANCE THE ABILITY OF WIRELESS TELECOMMUNICATIONS CARRIERS TO DEPLOY SMALL WIRELESS TECHNOLOGY IN THE TOWN QUICKLY, EFFECTIVELY, AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES, AND VISITORS BENEFIT FROM EXTENSIVE AND ROBUST WIRELESS SERVICE AVAILABILITY;
- C. PRESERVE THE CHARACTER OF THE TOWN’S NEIGHBORHOODS AND CORRIDORS, BY LIMITING VISUAL BLIGHT;
- D. ENSURE THAT SMALL WIRELESS TELECOMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES CONFORM WITH ALL APPLICABLE HEALTH AND SAFETY REGULATIONS AND WILL BLEND INTO THEIR ENVIRONMENT TO THE GREATEST EXTENT POSSIBLE; AND
- E. COMPLY WITH, AND NOT CONFLICT WITH, ALL APPLICABLE COUNTY, STATE, AND FEDERAL LAWS.

**SECTION 74-2. DEFINITIONS.**

**DEFINITIONS FOR THESE GUIDELINES ARE THOSE AS DEFINED IN CHAPTER 73 OF THE TOWN CODE.**

**SECTION 74-3. REQUIREMENT TO COMPLY.**

**PLACEMENT, MODIFICATION, OPERATION, RELOCATION, AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS AND WIRELESS SUPPORT STRUCTURES SHALL COMPLY WITH CHAPTER 73 OF THE CODE OF THE TOWN OF RIVERDALE PARK AND ALL OTHER APPLICABLE TOWN, COUNTY, STATE AND FEDERAL LAWS. ALL PERMITS MUST BE IN COMPLIANCE AT THE TIME OF PERMIT APPROVAL AND AS MAY BE AMENDED FROM TIME TO TIME, AS NECESSARY.**

**SECTION 74-4. CONCEALMENT OF FACILITIES AND RELATED EQUIPMENT.**

**A. CONCEALMENT PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT ALL FACILITIES, SUPPORT STRUCTURES, AND RELATED EQUIPMENT INCORPORATE SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, SUCH AS:**

- 1. INTEGRATED POLES. THE USE OF "SMART POLES," OR THOSE OF A SIMILAR TYPE, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING LIGHT, STREET, OR OTHER MUNICIPAL POLES TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ENHANCED AESTHETIC VALUE. THESE POLES ARE INTENDED TO BLEND INTO THE ENVIRONMENT AND INTEGRATE THE TELECOMMUNICATIONS EQUIPMENT INTERNALLY.**
- 2. STREET/DIRECTIONAL SIGNS. THE USE OF STREET AND/OR DIRECTIONAL SIGNS, WHERE PRACTICAL, TO CONCEAL CERTAIN EQUIPMENT, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING STREET OR DIRECTIONAL SIGNS TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ENHANCED AESTHETIC VALUE.**
- 3. EQUIPMENT ENCLOSURES. EQUIPMENT ENCLOSURES, INCLUDING ELECTRIC METERS, SHALL BE AS SMALL AS POSSIBLE. GROUND-MOUNTED EQUIPMENT CONCEALMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, LANDSCAPING, STRATEGIC PLACEMENT IN LESS OBTRUSIVE LOCATIONS AND PLACEMENT WITHIN EXISTING OR REPLACEMENT STREET FURNITURE OR OTHER DECORATIVE ELEMENTS.**

4. LANDSCAPING. LANDSCAPE SCREENING SHALL BE PROVIDED AND MAINTAINED AROUND GROUND MOUNTED EQUIPMENT ENCLOSURES. THE PLANTING QUANTITY AND SIZE SHOULD BE SUCH THAT 100% SCREENING IS ACHIEVED WITHIN TWO YEARS AFTER INSTALLATION. THE TOWN MANAGER, OR DESIGNEE, MAY GRANT AN EXEMPTION FROM THIS LANDSCAPING REQUIREMENT BASED ON THE CHARACTERISTICS OF THE SPECIFIC LOCATION FOR THE EQUIPMENT ENCLOSURE. TREE "TOPPING" OR THE IMPROPER PRUNING OF TREES IS PROHIBITED. ANY PROPOSED PRUNING OR REMOVAL OF TREES, SHRUBS, OR OTHER LANDSCAPING ALREADY EXISTING IN THE RIGHT-OF-WAY MUST BE NOTED IN THE APPLICATION AND MUST BE APPROVED BY THE TOWN MANAGER OR DESIGNEE.

WHEN UNDERGROUND VAULTS ARE PROPOSED, THEY SHALL BE LOCATED TO MINIMIZE DISRUPTION TO THE PLACEMENT OF STREET TREES. ADEQUATE PLANTING DEPTH SHALL BE PROVIDED BETWEEN THE TOP OF THE VAULT AND THE FINISHED GRADE TO ALLOW PLANTS TO GROW IN A HEALTHY CONDITION.

#### SECTION 74-5. LOCATIONS OF FACILITIES AND RELATED EQUIPMENT.

A. COLLOCATION PREFERENCE. WHENEVER AN APPLICANT PROPOSES TO PLACE A NEW WIRELESS SUPPORT STRUCTURE WITH A SMALL WIRELESS TELECOMMUNICATIONS FACILITY WITHIN 250 FEET FROM AN EXISTING WIRELESS SUPPORT STRUCTURE, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL EITHER COLLOCATE WITH THE EXISTING FACILITY OR DEMONSTRATE THAT A COLLOCATION IS EITHER NOT TECHNICALLY FEASIBLE OR SPACE ON THE EXISTING FACILITY IS NOT PRACTICABLY AVAILABLE.

B. MOST PREFERABLE LOCATIONS. THE FOLLOWING LOCATIONS ARE PREFERRED WHEN NOT ADJACENT TO A PARK, RESIDENTIAL AREA, HISTORIC DISTRICT, OR AREAS SUBJECT TO ENHANCED DESIGN REVIEW.

1. INDUSTRIAL AREAS; AND

2. COMMERCIAL AREAS ADJACENT TO HIGHWAYS, EXCEPT WHEN THOSE AREAS ARE SUBJECT TO ENHANCED DESIGN REVIEW.

**C. LEAST PREFERABLE LOCATIONS.**

1. RESIDENTIAL AREAS;
2. PARKS;
3. HISTORIC DISTRICTS; AND
4. AREAS SUBJECT TO ENHANCED DESIGN REVIEW.

**D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.**

THE FOLLOWING LIST INDICATES THE ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES.

1. EXISTING UTILITY POLES. IT IS THE TOWN'S PREFERENCE THAT FACILITIES BE INSTALLED ON EXISTING UTILITY POLES OR EXISTING LINES BETWEEN EXISTING POLES.
2. NON-ORNAMENTAL SERVICE POLES. IF THE WIRELESS INFRASTRUCTURE PROVIDER CANNOT PRACTICABLY OBTAIN THE RIGHT TO USE EXISTING UTILITY POLES OR LINES, THE TOWN PREFERS NON-ORNAMENTAL SERVICE POLES AS THE NEXT OPTION.
3. NEW POLES. IF THE FIRST TWO ALTERNATIVES HAVE PROVEN TO BE NOT PRACTICABLE OPTIONS, THE TOWN PREFERS THE INSTALLATION OF A NEW POLE.
4. ORNAMENTAL MUNICIPAL POLES. THE USE OF ORNAMENTAL MUNICIPAL STREET LIGHTS AND SIGN POLES AS WIRELESS SUPPORT STRUCTURES IS DISCOURAGED. THESE SHOULD ONLY BE PROPOSED IF THE THREE ALTERNATIVES LISTED ABOVE ARE NOT PRACTICABLE, OR WHEN REQUESTED BY THE TOWN BASED ON THE PROPOSED LOCATION, IF THE WIRELESS INFRASTRUCTURE PROVIDER DEMONSTRATES THAT EXEMPLARY DESIGN CAN BE ACHIEVED THROUGH INSTALLATION OF AN ORNAMENTAL POLE WITH INTEGRATED ANTENNAS THAT ARE CONCEALED, TO CONFORM TO OR ENHANCE EXISTING INFRASTRUCTURE.

**SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.**

**A. THE TOWN RESERVES THE RIGHT TO PROPOSE AN ALTERNATE WIRELESS SUPPORT STRUCTURE AND/OR LOCATION TO THE ONE PROPOSED IN THE APPLICATION, AS FOLLOWS:**

- 1. THE PROPOSED ALTERNATE LOCATION FOR A SUPPORT STRUCTURE MAY BE WITHIN 100 FEET OF THE PROPOSED LOCATION OR WITHIN A DISTANCE THAT IS EQUIVALENT TO THE WIDTH OF THE RIGHT OF WAY IN OR ON WHICH THE WIRELESS SUPPORT STRUCTURE IS PROPOSED, WHICHEVER IS GREATER; AND**
- 2. IF AN APPLICATION PROPOSES TO INSTALL FACILITIES THAT CONFLICT WITH SPACE DESIGNATED FOR FUTURE PUBLIC IMPROVEMENTS WHICH ARE DOCUMENTED IN AN APPROVED PLAN IN PLACE AT THE TIME OF THE APPLICATION THE APPLICATION MAY BE DENIED OR AN ALTERNATE LOCATION PROPOSED, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER AND/OR WIRELESS SERVICE PROVIDER AGREE AS PART OF THE APPLICATION TO RELOCATE OR REINSTALL THE WIRELESS SUPPORT STRUCTURE IN A MANNER WHICH IS CONSISTENT WITH THE APPROVED PLAN AT THE TIME THE PUBLIC IMPROVEMENTS ARE INSTALLED.**

**SECTION 74-7. PLACEMENT OF FACILITIES AND RELATED EQUIPMENT.**

**A. GENERALLY, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL CONSTRUCT AND MAINTAIN FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT IN A MANNER THAT DOES NOT:**

- 1. OBSTRUCT, IMPEDE, OR HINDER PUBLIC TRAVEL OR SAFETY ON RIGHTS-OF-WAY;**
- 2. OBSTRUCT THE LEGAL USE OF RIGHTS-OF-WAY BY OTHER UTILITY PROVIDERS;**
- 3. VIOLATE NONDISCRIMINATORY APPLICABLE CODES;**
- 4. VIOLATE OR CONFLICT WITH THE CODE OF THE TOWN OF RIVERDALE PARK, OR OTHER APPLICABLE LAWS; AND**
- 5. VIOLATE THE FEDERAL AMERICANS WITH DISABILITIES ACT OR COMPARABLE MARYLAND LAW.**

- B. THE TOWN DESIRES TO IMPROVE AESTHETICS AROUND TOWN AND TO PROMOTE CLEANLY ORGANIZED AND STREAMLINED FACILITIES USING THE LEAST INTRUSIVE MEANS TO PROVIDE WIRELESS SERVICES TO THE COMMUNITY, AS FOLLOWS:**
- 1. GENERALLY, FACILITIES SHALL MATCH AND BE CONSISTENT WITH THE MATERIALS AND FINISH OF THE MUNICIPAL POLES IN THE SURROUNDING AREA ADJACENT TO THEIR LOCATION;**
  - 2. IN THE ABSENCE OF ADJACENT MUNICIPAL POLES, SUPPORT STRUCTURES SHALL, AT A MINIMUM, MATCH THE MATERIALS AND FINISH OF ADJACENT UTILITY POLES; AND**
  - 3. IN AREAS WITH MIXED STYLES OF MUNICIPAL POLES, THE HIGHEST QUALITY OF POLES SHALL BE PROVIDED.**
- C. ANTENNAS ON EXISTING OR REPLACED UTILITY POLES. ANTENNAS ASSOCIATED WITH COLLOCATION ON EXISTING OR REPLACEMENT POLES MUST BE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND THESE GUIDELINES.**
- D. SERVICE LINES. ALL SERVICE LINES MUST BE UNDERGROUNDED WHENEVER PRACTICABLE TO AVOID ADDITIONAL OVERHEAD LINES. FOR HOLLOW POLES, UNDERGROUNDED CABLES AND WIRES MUST TRANSITION DIRECTLY INTO THE POLE BASE WITHOUT ANY EXTERNAL JUNCTION BOX. ON WOOD POLES, ALL ABOVE-GROUND WIRES, CABLES, AND CONNECTIONS SHALL BE ENCASED IN THE SMALLEST SECTION OR SMALLEST DIAMETER PVC CHANNEL, CONDUIT, U-GUARD, OR SHROUD PRACTICABLE, WITH A MAXIMUM DIMENSION OF 4" DIAMETER. SUCH CONDUIT SHALL BE FINISHED IN ZINC, ALUMINUM OR STAINLESS STEEL, OR COLORED TO MATCH OR EXCEED THE QUALITY OF EXISTING ENCASEMENTS.**
- E. SPOOLED OR COILED CABLES. TO REDUCE CLUTTER AND DETER VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES SHALL NOT BE SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE OR CABINET.**
- F. GROUND MOUNTED EQUIPMENT. ANY PROPOSED GROUND MOUNTED EQUIPMENT SHOULD BE PLACED AS FOLLOWS:**
- 1. IN A MANNER TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE PUBLIC TRAVEL OR SAFETY ON THE RIGHTS-OF WAY;**

2. TO MAXIMIZE THE LINE OF SIGHT REQUIRED TO ADD TO SAFE TRAVEL OF VEHICULAR AND PEDESTRIAN TRAFFIC AND MAXIMIZE THAT LINE OF SIGHT AT STREET CORNERS AND INTERSECTIONS AND MINIMIZE HAZARDS AT THOSE LOCATIONS; AND
3. THE TOWN MAY DENY A REQUEST THAT NEGATIVELY IMPACTS VEHICULAR AND/OR PEDESTRIAN SAFETY.

**G. POLE MOUNTED EQUIPMENT.**

**POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:**

1. EQUIPMENT MUST BE INSTALLED AS FLUSH TO THE POLE AS POSSIBLE;
2. EQUIPMENT ATTACHED TO METAL POLES MUST USE STAINLESS STEEL BANDING STRAPS, IN A COLOR TO MATCH THE COLOR OF THE POLE;
3. EQUIPMENT ATTACHED TO WOOD POLES MAY BE BOLTED TO THE POLE (THROUGH BOLTING OR LAG BOLTS ARE PROHIBITED) OR INSTALLED USING STAINLESS STEEL BANDING STRAPS;
4. ALL EQUIPMENT SHALL BE LOCATED AS CLOSE TOGETHER AS TECHNICALLY POSSIBLE AND IF POSSIBLE, ON THE SAME SIDE OF THE POLE;
5. ALL EQUIPMENT OTHER THAN THE ANTENNA(S), ELECTRIC METER AND DISCONNECT SWITCH MUST BE CONCEALED WITHIN AN EQUIPMENT CABINET, WHICH MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE; AND
6. EQUIPMENT CABINETS SHOULD BE MOUNTED AS FLUSH TO THE POLE AS POSSIBLE, AND MUST BE NON-REFLECTIVE, COLORED TO MATCH THE EXISTING POLE, IF ATTACHED TO A METAL POLE, AND IN THE COLOR OF STAINLESS STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.

- H. ELECTRIC METER. THE TOWN STRONGLY ENCOURAGES THE USE OF FLAT-RATE ELECTRIC SERVICE WHEN IT WOULD ELIMINATE THE NEED FOR A METER. WHEN A METER IS NECESSARY, METERS SHALL BE THE SMALLEST AND LEAST VISUALLY INTRUSIVE ELECTRIC METER**



AVAILABLE, AND IF PERMITTED BY THE ELECTRIC SERVICE PROVIDER, SHALL BE PAINTED TO MATCH THE METAL POLE, OR IN THE COLOR OF STAINLESS STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.

- I. TELEPHONE/FIBER OPTIC UTILITIES. CABINETS FOR TELEPHONE AND/OR FIBER OPTIC UTILITIES MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE, AND MUST BE PAINTED, WRAPPED OR OTHERWISE COLORED TO MATCH THE POLE. MICROWAVE OR OTHER WIRELESS BACKHAUL IS DISCOURAGED WHEN IT WOULD INVOLVE A SEPARATE AND UNCONCEALED ANTENNA.

#### SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

UNDERGROUNDED EQUIPMENT VAULTS. EQUIPMENT IN AN ENVIRONMENTALLY CONTROLLED UNDERGROUND VAULT MAY BE REQUIRED BY THE TOWN IN SOME AREAS WHERE TECHNOLOGICALLY FEASIBLE AND APPROPRIATE FOR THE LOCATION.

#### SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1) NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK AND, EXCEPT FOR COMPELLING REASONS, WILL NOT APPROVE MORE THAN ONE PER 250 FEET ON EACH SIDE OF THE STREET TO MINIMIZE THE HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.
  1. ALIGNMENT WITH OTHER POLES. THE CENTERLINE OF ANY NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE MUST BE ALIGNED, AS MUCH AS POSSIBLE, WITH THE CENTERLINES OF EXISTING POLES ON THE SAME STREET SEGMENT, BUT ONLY IF THE NEW STRUCTURE'S HEIGHT DOES NOT CONFLICT WITH OVERHEAD UTILITY LINES AND FACILITIES;
  2. GENERAL RESTRICTIONS ON NEW WOOD POLES. IN ALL LOCATIONS, THE TOWN RESERVES THE RIGHT TO REQUIRE A METAL POLE RATHER THAN A WOOD POLE BASED ON THE

BUILD AND/OR NATURAL ENVIRONMENTAL CHARACTER OF THE PROPOSED LOCATION.

3. WOOD POLE FOOTINGS AND FOUNDATIONS. ALL NEW WOOD POLES MUST BE DIRECT BURIED TO A DEPTH DETERMINED, STAMPED, SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED BY THE STATE OF MARYLAND, AND SUBJECT TO THE TOWN'S REVIEW AND APPROVAL;
4. METAL POLE MATERIAL. ALL METAL POLES MUST BE CONSTRUCTED FROM HOT-DIP GALVANIZED STEEL OR OTHER CORROSION-RESISTANT MATERIALS APPROVED BY THE TOWN AND FINISHED IN ACCORDANCE WITH THESE GUIDELINES TO AVOID RUST STAINS ON ADJACENT SIDEWALKS, BUILDINGS OR OTHER IMPROVEMENTS;
5. METAL POLE FINISH. METAL POLES MUST BE PAINTED BLACK. THE APPLICANT MAY SELECT A PAINT OR POWDER COAT SYSTEM IN COMPLIANCE WITH ATSM STANDARDS; AND
6. LIGHTING, PLANTERS, FLAGS, BANNERS, DIRECTIONAL SIGN BRACKETS. THE TOWN MAY REQUIRE THE APPLICANT TO INSTALL FUNCTIONAL STREETLIGHTS AND/OR BRACKETS TO HOLD HANGING FLOWER PLANTERS, FLAGS AND/OR BANNERS AND DIRECTIONAL SIGN BRACKETS WHEN TECHNICALLY FEASIBLE AND THE TOWN DETERMINES THAT SUCH ADDITIONS WILL ENHANCE THE OVERALL APPEARANCE AND USEFULNESS OF THE PROPOSED FACILITY. THE TOWN MAY UTILIZE THE BRACKETS, FLAGS AND BANNERS.

**B. EXEMPTIONS.**

1. AN EXEMPTION MAY BE GRANTED IF THE APPLICANT CAN DEMONSTRATE THAT THIS RESTRICTION HAS THE EFFECT OF PREVENTING WIRELESS SERVICE TO THIS LOCATION; AND
2. IF MULTIPLE REQUESTS ARE RECEIVED TO INSTALL TWO (2) OR MORE POLES THAT WOULD VIOLATE THE SPACING REQUIREMENT OR TO COLLOCATE TWO (2) OR MORE SMALL WIRELESS TELECOMMUNICATIONS FACILITIES ON THE SAME SUPPORT STRUCTURE, PRIORITY WILL BE GIVEN TO THE FIRST REQUEST RECEIVED THAT MEETS THESE GUIDELINES.

**SECTION 74-10. TOWN-OWNED WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.**

- A. REQUIRED LOAD ANALYSIS. INSTALLATIONS ON ALL TOWN-OWNED POLES SHALL HAVE AN INDUSTRY STANDARD POLE LOAD ANALYSIS COMPLETED, SEALED, AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED IN THE STATE OF MARYLAND AND SUBMITTED TO THE TOWN WITH EACH PERMIT APPLICATION INDICATING THAT THE TOWN-OWNED POLE TO WHICH THE SMALL WIRELESS TELECOMMUNICATIONS FACILITY WILL BE ATTACHED WILL SAFELY SUPPORT THE LOAD; AND**
  
- B. INSTALLATIONS ON SIGN POLES. INSTALLATIONS ON SIGN POLES MAY ONLY OCCUR IF THE SIGN POLE IS FIFTEEN (15) FEET OR TALLER, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER CAN DEMONSTRATE TO THE TOWN MANAGER'S SATISFACTION THAT THE FACILITIES CAN BE INTEGRATED IN A MANNER WHICH COMPLIMENTS OR ENHANCES THE AREA IN WHICH THE SIGN POLE IS TO BE INSTALLED.**

**SECTION 74-11. UNDERGROUNDING REQUIREMENTS.**

**THE TOWN MAY DENY PERMIT APPLICATIONS, OR REQUIRE AN ALTERNATE LOCATION, TO INSTALL STRUCTURES AND FACILITIES IN THE RIGHT-OF-WAY OR UTILITY EASEMENTS WHERE UTILITIES HAVE BEEN REQUIRED TO BE INSTALLED UNDERGROUND. THE APPLICANT MAY REQUEST A WAIVER IF THE WIRELESS SERVICE PROVIDER IS UNABLE TO ACHIEVE ITS SERVICE OBJECTIVE USING A LOCATION IN THE RIGHT-OF-WAY WHERE UTILITIES ARE NOT UNDERGROUND OR IN A UTILITY EASEMENT WHERE THE WIRELESS SERVICE PROVIDER HAS THE RIGHT TO ACCESS, OR IN OTHER SUITABLE LOCATIONS OR STRUCTURES MADE AVAILABLE BY THE TOWN.**

**SECTION 74-12. GENERAL PROVISIONS.**

- A. TREE MAINTENANCE. THE WIRELESS INFRASTRUCTURE OR SERVICE PROVIDER, ITS CONTRACTORS, AND AGENTS SHALL OBTAIN WRITTEN PERMISSION AND NOTIFY THE TOWN, AS FOLLOWS:**
  - 1. FROM THE TOWN BEFORE TRIMMING TREES IN THE RIGHT-OF-WAY; AND**
  - 2. FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.**
  
- B. GRAFFITI ABATEMENT. AS SOON AS PRACTICAL, BUT NOT LATER THAN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF NOTICE, THE**


PROVIDER SHALL REMOVE ALL GRAFFITI ON ANY OF ITS FACILITIES, EQUIPMENT OR STRUCTURES. THE TOWN MAY AGREE TO AN EXTENSION OF TIME IF THE PROVIDER DEMONSTRATES THE NEED TO ORDER REPLACEMENT EQUIPMENT.

- C. MINOR TECHNICAL EXCEPTIONS. THE TOWN RECOGNIZES THAT IN SOME CIRCUMSTANCES STRICT COMPLIANCE WITH THESE GUIDELINES MAY RESULT IN UNDESIRABLE AESTHETIC OUTCOMES AND THAT MINOR DEVIATIONS SHOULD BE GRANTED WHEN THE NEED FOR SUCH DEVIATIONS ARISES FROM CIRCUMSTANCES OUTSIDE OF THE APPLICANT'S CONTROL.
- D. WAIVERS. IN THE EVENT THAT ANY APPLICANT ASSERTS THAT STRICT COMPLIANCE WITH ANY PROVISIONS IN THESE GUIDELINES, AS APPLIED TO A SPECIFIC PROPOSED FACILITY, WOULD EFFECTIVELY PROHIBIT THE ESTABLISHMENT OF WIRELESS SERVICE TO A LOCATION, THE TOWN MAY GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

**SECTION 2. AND BE IT FURTHER ENACTED** that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**SECTION 3. AND BE IT FURTHER ENACTED** that this Ordinance shall take effect twenty calendar days after passage by the Council.

ATTEST:

  
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Jessica E. Barnes, Town Clerk

COUNCIL OF THE TOWN OF  
RIVERDALE PARK

  
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Alan K. Thompson, Mayor