

RESOLUTION NO. 1-20

**A Resolution of the Council of the Town of Leonardtown to
Adopt Design Guidelines for Small Wireless Facilities and Support Structures
in the Town of Leonardtown**

WHEREAS, pursuant to Ordinance Nos.198 and 199, passed on 8/10, 2020, the Council of the Town of Leonardtown (the "Council") amended Chapters 128 and 155 of the Code of the Town of Leonardtown (the "Town Code") for the purpose of providing for the permitting and location of small wireless facilities and support structures on streets and sidewalks and on private property, respectively, within the Town of Leonardtown (the "Town"), which amendments became effective on 8/31, 2020; and

WHEREAS, pursuant to §§ 128-31(B)(6) and (E) and 155-48.1(B)(1)(f) and (B)(4) of the Town Code, small wireless facilities and support structures shall comply with the Leonardtown Small Wireless Facility Design Guidelines to the maximum extent practicable; and

WHEREAS, the Council is desirous of adopting design guidelines applicable to small wireless facilities and support structures therefor in the Town; and

WHEREAS, the Council deems it in the interest of the public health, welfare and safety of the citizens of the Town, and for the good government of the Town, to adopt this Resolution to adopt design guidelines for small wireless facilities and support structures therefor in the Town.

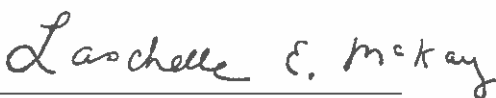
NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Leonardtown:

1. The "Leonardtown Small Wireless Facility Design Guidelines" attached hereto and incorporated by reference herein as if fully set forth are hereby adopted as the design guidelines for small wireless facilities and support structures in the Town.

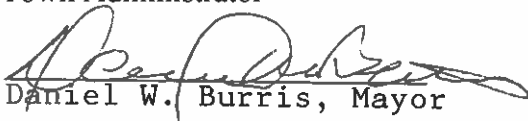
2. In the event of a conflict between the provisions of the Design Guidelines adopted hereunder and Chapters 128 or 155 of the Town Code, as applicable, the Town Code shall control.

READ AND ADOPTED THIS 10th day of August, 2020.

Attest:



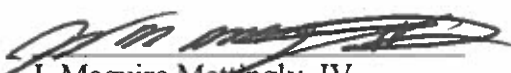
Laschelle E. McKay
Town Administrator



Daniel W. Burris, Mayor

Seal:


Councilpersons of Leonardtown:




J. Maguire Mattingly, IV
Vice President

Virtual

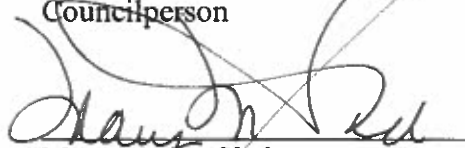
Tyler Alt
Councilperson



Nick Colvin
Councilperson



Christy Hollander
Councilperson



Mary Maday Slade
Councilperson



LEONARDTOWN SMALL WIRELESS FACILITY DESIGN GUIDELINES

SECTION I: PURPOSE

The purpose of these Small Wireless Facility Design Guidelines (these “Guidelines”) is to establish general procedures and standards, consistent with all applicable federal and State laws, rules and regulations, for the siting, construction, installation, collocation, modification, relocation, operation and removal of small wireless facilities within the Town’s right-of-way. The goals of these guidelines are to:

- A. Provide standards, technical criteria and details for small wireless facilities in the Town to be uniformly applied to all applicants and owners of small wireless facilities or support structures for such facilities;
- B. Enhance the ability of wireless communications carriers to deploy small wireless facility technology in the Town quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust wireless service availability;
- C. Preserve the character of the Town’s neighborhoods and corridors;
- D. Ensure that small wireless 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 or preempt, all applicable federal and State laws, rules and regulations.

SECTION II: DEFINITIONS

As used herein, “small wireless facilities” and “support structures” shall have the definitions set forth in §§ 128-29(A) and 155-4 of the Code of the Town of Leonardtown (the “Town Code”).

SECTION III: REQUIREMENT TO COMPLY

The placement, modification, operation, relocation and removal of small wireless facilities and support structures within the Town shall comply with Chapter(s) 128 and 155 of the Town Code, as applicable, these Guidelines and all other applicable federal, State and local laws, rules and regulations now in effect and as may be amended from

time to time. All small wireless facilities and support structures shall be in compliance therewith as a precondition for permit or special exception approval, as applicable.

SECTION IV: LOCATIONS OF SMALL WIRELESS FACILITIES AND SUPPORT STRUCTURES

Most Preferable Locations

The following locations are the most preferred for new small wireless facilities and support structures:

- A. *Commercial Business* areas, excluding the Downtown Square Park.
- B. *Highway Rights-of-Way* areas, excluding the Downtown Square Park.
- C. *Retail and Commercial* areas, excluding the Downtown Square Park.

Least Preferable Locations

The following locations are the least preferred for new small wireless facilities and support structures.

- A. *The Downtown Square Park*

Collocation Preference

It is the Town's preference that, whenever an applicant proposes to place a new small wireless facility within 250 feet from an existing support structure or utility pole, the applicant either collocate on the existing support structure or utility pole or demonstrate that collocation is not technologically feasible or space thereon is unavailable.

Order of Preference for Support Structures

The following list indicates the order of preference for support structures for small wireless facilities:

- A. *Existing Utility Poles:* It is the Town's preference that small wireless facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing utility poles.
- B. *Non-Ornamental Service Poles:* If an applicant does not have the right to use existing utility poles or lines, the Town prefers non-ornamental service poles as the next option.
- C. *New Poles:* If (A) and (B) above are unavailable, the Town prefers the installation of a new support structure.

- D. *Ornamental Municipal Poles:* The use of ornamental municipal street lights and sign poles as support structures for small wireless facilities is discouraged. These should only be proposed if (A) though (C) above are unavailable or when requested by the Town based on the proposed location. The use of ornamental municipal poles shall only be approved if an applicant demonstrates that exemplary design can be achieved through installation of an ornamental pole with integrated antennas that are concealed to conform to existing infrastructure.

SECTION V: CONSIDERATION OF ALTERNATE LOCATIONS

The Town reserves the right to propose an alternate location for a small wireless facility or support structure to the one proposed in an application as follows:

- A. The Town may propose an alternate location for a new support structure that is 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 new support structure is proposed, whichever is greater.
- B. If an applicant proposes to install a small wireless facility and/or support structure that conflicts with space designated for future public improvements which are documented in an approved plan in place at the time the application is received by the Town, the application may be denied or an alternate location proposed unless the applicant agrees to relocate the small wireless facility and/or support structure in a manner consistent with the approved plan.

SECTION VI: PLACEMENT OF SMALL WIRELESS FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT

Generally, the applicant shall construct and maintain small wireless facilities, support structures and related equipment in a manner that does not (1) obstruct, impede or hinder the usual travel or public safety on a right-of-way; (2) obstruct the legal use of a right-of-way by other utility providers; (3) violate applicable building, property maintenance or other codes; (4) violate or conflict with Chapters 128 or 155 of the Town Code or other applicable laws, rules or regulations; or (5) violate the Americans with Disabilities Act.

The Town desires to promote clean, organized and streamlined small wireless facilities using the smallest and least intrusive means available to provide wireless service to the community. Generally, support structures shall match and be consistent with the materials and finish of adjacent municipal poles. In the absence of any adjacent municipal poles, support structures shall match the materials and finish of adjacent utility poles.

Small Wireless Facilities on Existing or Replacement Poles

Small wireless facilities collocated on existing or replacement poles must have concealed cable connections, antenna mount and other hardware. The maximum dimensions for antennas, including any enclosure therefor, shall not exceed six cubic feet in volume.

Right-of-Way

Small wireless facilities, support structures and related equipment shall be placed, as much as possible, in line with other utility features and in a location that minimizes any obstruction, impediment or hinderance to the usual travel or public safety on any right-of-way.

Service Lines

All service lines must be underground whenever practicable to avoid additional overhead lines. For hollow poles, underground 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 feasible, with a maximum dimension of four inches in diameter. Such conduit shall be finished in zinc, aluminum or stainless steel or colored to match those metal finishes of the surrounding area.

Spoiled 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.

Ground-Mounted Equipment

Any proposed ground-mounted equipment shall be placed in a manner that shall not interfere with the line of sight required for safe pedestrian and vehicular traffic and travel. The Town may deny any application that negatively impacts vehicular and/or pedestrian safety.

Pole-Mounted Equipment

Pole-mounted equipment shall be installed as follows:

- A. Equipment must be installed as flush to the pole as possible.
- B. Equipment attached to metal poles must use stainless steel banding straps, in a color to match the color of the pole.
- C. 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;
- D. All equipment shall be located as close together as technically possible and if possible, on the same side of the pole.

- E. 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.
- F. 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 floor of brushed aluminum if attached to a wood pole.

Electric Meters and Underground Equipment Vaults

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, it shall be the smallest and least intrusive electric meter available, and if permitted by the electric service provider, painted to match the metal pole, or in the color of brushed aluminum if attached to a wood pole.

Equipment housed in an environmentally controlled underground vault may be required in certain areas where technologically feasible and appropriate for the location.

SECTION VII: NEW SUPPORT STRUCTURES

- A. **Spacing:** The Town strongly discourages more than one new support structure per block and 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.
- B. **Alignment with Other Poles:** The centerline of any new 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.
- C. **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. The Town will not approve any new wood poles in the Downtown Square Park.
- D. **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.
- E. **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.

- F. **Metal Pole Finish:** Metal poles must be painted or treated with non-reflective paint. The applicant may select a paint or powder coat system in compliance with ASTM standards.
- G. **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 if the Town determines that such additions will enhance the overall appearance and usefulness of the proposed support structure. The Town may utilize the brackets, flags and banners at its discretion.

SECTION VIII: TOWN-OWNED SUPPORT STRUCTURES

- A. **Required Load Analysis:** Installations on all Town-owned support structures 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 support structure to which the small wireless facility will be attached will safely support the load.
- B. **Installations on Sign Poles:** Installations on sign poles may only occur if the sign pole is at least 15 feet in height, unless the applicant can demonstrate that the small wireless facility can be integrated in a manner which compliments or enhances the area in which the sign pole is located.

SECTION VIII: UNDERGROUND REQUIREMENTS

For any small wireless facility proposed to be located where utility easements exist or utilities are required to be installed underground, the Town may require all applicable components of the small wireless facility to be installed in the utility easement or underground. The applicant may request a waiver if it is not technologically feasible to locate any components of the small wireless facility in the utility easement or underground.

SECTION X: GENERAL PROVISIONS

- A. **Tree Maintenance.** The applicant, for itself and its agents, servants, employees and contractors, shall notify, and obtain written permission from, the Town or a property owner prior to trimming trees on public or private property, respectively.
- B. **Graffiti Abatement.** As soon as practicable, but not later than 14 calendar days from the date of the notice, the applicant shall remove all graffiti on any of its small wireless facilities, support structures or related equipment. The Town may agree to an extension of time if the applicant 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 arise from circumstances outside the applicant's control.

- D. **Waivers.** In the event that any applicant asserts that strict compliance with any provision in these Guidelines, as applied to a specific proposed small wireless facility or support structure, would effectively prohibit the establishment of wireless service to a location, the Town may grant a limited exemption from strict compliance.

- E. **Conflicts.** In the event of a conflict between these Guidelines and any local law, rule or regulation, including but not limited to Chapters 128 and 155 of the Town Code, such local law, rule or regulation shall prevail.