

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-11

AN ORDINANCE concerning

Small cell telecommunications facilities and other utilities in the public right of way

FOR the purpose of consolidating certain permit and franchise requirements; establishing aesthetic provisions for small wireless facilities; clarifying language; making stylistic changes; and otherwise pertaining to telecommunications facilities and other utilities in the public right of way.

BY repealing

Chapter 30
The Code of the City of Frederick, 1966 (as amended)

BY adding

Chapter 30
The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Chapter 30 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and a new Chapter 30 is added to read as follows:

**CHAPTER 30. TELECOMMUNICATIONS FACILITIES AND
OTHER UTILITIES IN THE CITY RIGHT OF WAY**

Article I. General Requirements.

Sec. 30-1. Authority.

The City derives the authority for this chapter from the City Charter, Article X, § 1, and from the Maryland Code, Local Government, § 5-204. This chapter and any rules, regulations, specifications, and agreements adopted pursuant to this chapter comply with all applicable federal and state law, including but not limited to 47 U.S.C. Section 253, 47 U.S.C. Section 332(c)(7), and 47 U.S.C. Section 1455.

Sec. 30-2. Definitions.

- (a) **In general.** For purposes of this chapter, the following terms have the meanings indicated.

- (b) **Applicable standards:** "Applicable standards" means all applicable engineering and safety standards governing the installation, maintenance, and operation of any facility, and the performance of all work in or around any facility, including the regulations of the Federal Communication Commission (FCC) and the Occupational Safety and Health Administration (OSHA); the engineering standards adopted pursuant to Section 2-20 of this Code; the City's Building Code, Electrical Code, and other technical codes; the City's Land Management Code; the Manual on Uniform Traffic Control Devices

(MUTCD); this chapter; and other applicable requirements or guidelines of the City or other Federal, State, or County authority with jurisdiction over the City, the specific facility installation, or an applicant.

- (c) **Antenna:** "Antenna" means any device, dish, array, or similar device used for sending and/or receiving electromagnetic waves for FCC licensed or authorized wireless communications.
- (d) **Applicant:** "Applicant" means any person that applies for a permit to install any facility or perform any work in the right of way or that requests that the City enter into a lease or license for use of any municipal facility within a right of way.
- (e) **Base station:** "Base station" has the meaning as set forth in 47 C.F.R. Section 1.6100 or any successor provision.
- (f) **City:** "City" means The City of Frederick or, as appropriate in the case of specific provisions of this chapter, any board, commission, department, or any other entity of the City or any authorized official, employee, or agent thereof.
- (g) **Concealment element:** "Concealment element" means any design feature intended to make a small wireless facility or any supporting structure less visible to the casual observer, including but not limited to painting, landscaping, shielding requirements, and restrictions on location in relation to the surrounding area or the structure that supports a small wireless facility,
- (h) **Conduit:** "Conduit" means enclosed underground raceways capable of protecting any cables, including but not limited to fiber optic and other communications and electrical cables. "Conduit" includes associated individual ducts, inner ducts, manholes, handholes, vaults, pull-boxes, and trenches.
- (i) **Construct:** "Construct" includes construct, install, erect, build, affix, or otherwise place any fixed structure or object, in, on, under, through, or above the right of way.
- (j) **Day:** "Day" means a calendar day unless otherwise specified.
- (k) **Director:** "Director" means the City's Director of Public Works or designee.
- (l) **Eligible facilities request:** "Eligible facilities request" has the meaning as set forth in 47 C.F.R. Section 1.6100 or any successor provision.
- (m) **Emergency:** "Emergency" means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property, or requires immediate repair or replacement in order to restore service to a user.
- (n) **Equipment.** "Equipment" means any part of the facilities exclusive of the antenna, concealment elements, and supporting structures.
- (o) **Excavation.** "Excavation" includes any cutting, digging, excavating, tunneling, boring, grading, or other alteration of the surface or subsurface material, paving, concrete, blacktop, or earth within the right of way.

- (p) **FCC:** "FCC" means the Federal Communications Commission, any subordinate or sub-agency under its authority, or any successor thereto.
- (q) **Facility:** "Facility" or "facilities" means facilities, equipment and installations of any kind, including but not limited to any lines, pipes, irrigation systems, wires, cables, conduit facilities, ducts, poles, towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, meters, appurtenances, or other equipment. A reference to a facility refers both to the facility considered as a whole and the individual elements of the facility.
- (r) **Franchise agreement:** "Franchise agreement" means any written or electronic authorization by the City allowing an applicant to install, make, maintain, or remove its facilities within the City's right of way.
- (s) **Hazardous substance:** "Hazardous substance" means any hazardous substance, hazardous waste or oil as defined by the Resource, Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. §§ 6901 et seq., Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601 et seq., Maryland Code, Environment, Title 4, and the Maryland Code, Environment, Title 7, Subtitle 2.
- (t) **Install:** "Install" means the placing of a facility in the right of way, whether initially or as part of the repair, modification, replacement, removal, or expansion of an existing facility, and including any process by which a facility is placed within a right of way, including but not limited to attachment, construction, digging, excavation, placement, or pulling. "Install" includes various forms of the verb, as appropriate, as well as "installation" when used as a noun.
- (u) **Municipal facilities:** "Municipal facilities" means any City-owned, controlled or operated structure, equipment, land, building, fixture, or vehicle, including but not limited to streetlight poles, traffic lights, traffic light poles, lighting fixtures, or electroliers located in or near the right of way.
- (v) **Occupant:** "Occupant" means any person, other than a governmental entity which is not an adjoining landowner, that owns facilities in the right of way.
- (w) **Permit:** "Permit" means any written or electronic authorization by the City allowing an applicant to install, make, maintain, or remove any facility pursuant to the requirements of this chapter or to perform work in the right of way.
- (x) **Permittee.** "Permittee" means any person who obtains a permit under this chapter; or a person performing emergency repairs where a permit is obtained after the repair.
- (y) **Person.** "Person" means any natural person or business entity, including but not limited to an individual, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
- (z) **Personal wireless services:** "Personal wireless services" has the meaning as set forth in 47 U.S.C. Section 332(c)(7)(C)(i).

- (aa) **Personal wireless services facility:** "Personal wireless services facility" means the base station, transmitters, antenna structures, and other types of installations used for the provision of personal wireless telecommunications services, including but not limited to any associated towers, supporting structures, and base stations.
- (bb) **Pole:** "Pole" means any street, utility, traffic signal, streetlight, or any other pole in the right of way and designed to support facilities in addition to wireless facilities.
- (cc) **Right of way:** "Right of way" means the space in, upon, above, along, across, and over the public streets, roads, highways, and other public ways, including sidewalks, owned or controlled by the City, as the same now or may hereafter exist, that are under the jurisdiction of the City. "Right of way" does not include any County, State, or Federal rights of way or any property owned by any person or entity other than the City, except as provided by applicable standards or laws or pursuant to any agreement between the City and any such person or entity or any property owned by the City, such as a park or property on which City buildings are located, that is not a street or right of way.
- (dd) **Small wireless facility:** "Small wireless facility" means a facility that meets each of the following conditions:
- (1) The facilities:
 - (A) are mounted on structures 50 feet or less in height including their antennas; or
 - (B) are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - (C) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
 - (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
 - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
 - (4) The facilities do not require antenna structure registration under federal law;
 - (5) The facilities are not located on tribal lands, as defined under 36 CFR 800.16(x); and
 - (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).
- (ee) **Supporting structure:** "Supporting structure" means a vertical structure, including a pole, tower, or building, capable of supporting a base station.
- (ff) **Tower:** "Tower" means any supporting structure greater than 50 feet in height, built for the sole or primary purpose of supporting any FCC licensed or authorized antennas (and

related facilities), including supporting structures that are constructed for FCC-licensed or authorized wireless communications, including but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. "Tower" does not include poles.

- (gg) **Utility pole:** "Utility pole" means a structure in the right of way designed to support electric, telephone and similar utility lines. A tower is not a utility pole.
- (hh) **Wireless facility:** "Wireless facility" means a facility at a fixed location used in the provision of personal wireless services, consisting of the base station, the supporting structure to which the base station is attached (if any), and appurtenant facilities at or near the base station and necessary to its operation, including but not limited to electric meters and disconnects.
- (ii) **Wireless permit:** "Wireless permit" means a permit issued pursuant to this chapter authorizing the placement or modification of a personal wireless services facility of a design specified in the permit at a particular location within the right of way, and the modification of any existing supporting structure to which the personal wireless services facility is proposed to be attached.
- (jj) **Wireless service provider:** "Wireless service provider" means an entity that provides wireless services to end users.
- (kk) **Wireless infrastructure provider:** "Wireless infrastructure provider" means a person that owns, controls, operates, or manages a wireless telecommunication facility or portion thereof within the right of way.

Sec. 30-3. Scope.

- (a) **In general.** This chapter establishes conditions of occupancy and construction for all users of the City's right of way, including those seeking to perform work, excavation, or provision of services, or to install, construct, maintain, or repair a facility, including poles, utility poles, wires, equipment, or fixtures of any kind by any person, including but not limited to public service companies, adjacent landowners, and entities that the City may permit to place or maintain a permanent facility in the right of way, including but not limited to providers of cable services and providers of personal wireless services.
- (b) **Types of users.** Except as otherwise provided in this chapter, this chapter is applicable to any applications for placement, attachment, construction, reconstruction, repairs, or maintenance of any facility, including but not limited to those serving or providing telephone, communications, cable, electric, natural gas, water and sewer, or any other utility or utility service provider.
- (c) **Existing users.** This chapter applies to installation of any and all facilities, including poles, wires, equipment or any fixtures of any kind by any person within City controlled right of way, but shall not be applied to create any conflict with applicable Federal or State law or applicable and enforceable agreements or easements, including but not limited to the following:

- (1) Maryland Code, Public Utilities, §1-101 et seq., as applied to gas companies that are natural gas providers;
 - (2) Maryland Code, Public Utilities, §1-101 et seq., as applied to electric companies and electrical cooperatives that are electric providers;
 - (3) Maryland Code, Public Utilities, §1-101 et seq., as applied to water companies that are water providers;
 - (4) the terms of any existing valid, enforceable franchise agreement between the City and any person; and
 - (5) any applicable and enforceable utility easement owned by the applicant, including the public utility easements granted to Potomac Electric Power Company, etc. and their successors and assigns.
- (d) **Public use.** Except as otherwise provided by federal and Maryland law, any use of the right of way by any user will be subordinate to the City's use and use by the public. The City expressly reserves the right to exercise its powers as to the use, management, and control of the right of way.

Sec. 30-4. Purpose and intent.

(a) **In general.**

- (1) This chapter recognizes the City's primary role as the chief steward of the right of way located within the City. It further recognizes the City's duty to its citizens to manage the right of way and any incursions into the right of way, which is intended for use by the public for transportation of pedestrians and vehicles, while recovering the costs of doing so. Finally, it recognizes the City's desire to minimize disruption, visual impact, and inconvenience to the public, to preserve the public health, safety, and welfare, and to ensure compliance with all applicable City, County, State, and Federal laws.
- (2) This chapter is intended to encourage wireless infrastructure investment by providing a clear process to govern the deployment of small wireless facilities. It is also the intent of this chapter to ensure that:
 - (A) the City knows what entities are occupying its right of way and what facilities have been installed by them;
 - (B) entities understand their obligations with respect to use of the rights of way;
 - (C) entities occupying the right of way do not harm the public or property, or unduly interfere with or delay public or private projects that require use of the right of way or otherwise unnecessarily incommode the public; and
 - (D) in order to advance public safety, clutter is minimized and the appearance of the community is enhanced.

(b) **Collocation.** Collocation of all facilities is preferred and encouraged.

Sec. 30-5. Administration.

The City Engineer is authorized and charged with administering, interpreting, and enforcing the provisions of this chapter. The City Engineer may adopt procedural rules and technical details as deemed necessary in the course of these duties, provided the rules and details are not in conflict with any provision of this chapter.

Sec. 30-6. Nondiscrimination.

To the extent required by law, this chapter is intended to treat each applicant or right of way user in a competitively neutral and nondiscriminatory manner, with considerations that may be unique to the technologies and situation and legal status of each particular applicant or request for right of way use.

Sec. 30-7. General requirements.

Except as otherwise provided in this chapter or as may be required by law, every entity occupying the City right of way must have a franchise, license, or similar consent that describes generally what it may place in the right of way, and what services can be provided via the facility, and conditions upon the exercise of the rights granted. The requirement for the issuance of permits is in addition to, and not in lieu of, the requirement of any user to obtain a franchise, license, or consent from the City to use and occupy the right of way or to obtain a lease, license, or easement if required to use or occupy other public or private property.

Sec. 30-8. City facilities.

- (a) **Permits.** No permit granted by the City Engineer to allow installation or attachment of any facility for any purpose shall extend, or be deemed to extend, to any City-owned poles or any other municipal facilities except as provided in a franchise agreement.
- (b) **Conditions.** The City retains all its rights with respect to permitting attachments to its properties within the right of way.

Sec. 30-9. Fees.

The Board of Aldermen may, as part of its fee schedule ordinance, establish application fees, fees for use of the right of way, fees for attachment to municipal facilities, and other fees as needed to implement the provisions of this chapter.

Article II. Franchise Agreements, Permits, and General Regulations.

Sec. 30-10. Cable franchises.

- (a) **Franchise required.** A person may not may construct, operate, or maintain a cable system or provide cable service over a cable system within the City without a cable franchise granted by the City authorizing such activity. For the purpose of this provision, the operation of part or all of a cable system within the City means the use or occupancy of the right of way by facilities used to provide cable service.

- (b) **Regulations.** The provisions of Sec. 30-11 of this article do not apply to cable franchises, which are governed by the Cable Communications Policy Act of 1984, 47 U.S.C. 521-631, as amended from time to time.
- (c) **Telecommunications facilities.** Telecommunications facilities used to provide telephone service and also used to provide cable service are subject to this chapter and also require a cable franchise. Use of such facilities to provide services similar to cable service, such as open video service, is subject to this chapter to the extent provided by law. All cable franchises granted must contain substantially similar terms and conditions, which, taken as a whole and considering relevant characteristics of the applicants, do not provide more or less favorable terms and conditions than those required of other cable franchisees.

Sec. 30-11. Franchises other than cable.

- (a) **Scope.** This section applies to all franchise agreements except for cable franchises.
- (b) **Required.** Except as otherwise provided by subsection (c) of this section, a franchise agreement is required prior to the installation of any facilities in the right of way.
- (c) **Exception.** Installation of aerial service drops from the right of way to a customer's premises does not require a franchise agreement.
- (d) **Applicants.**
 - (1) Except as otherwise provided in paragraph (2) of this subsection, an application for a franchise agreement must be submitted by all persons that will own any part of the facility that is the subject of the application.
 - (2) In order to encourage collocation, small wireless facilities do not need individual franchise agreements if they will be located on facilities owned by a wireless infrastructure provider under a franchise agreement expressly providing:
 - (A) all equipment installed on the wireless infrastructure provider's facilities will be wholly under the control and management of the wireless infrastructure provider; and
 - (B) the wireless infrastructure provider will be liable for all acts or omissions of the wireless service providers with respect to the operation and maintenance of the equipment within the right of way.
- (e) **Compliance with standards.** The application must show that the facilities and work proposed in the application will comply with all requirements in this chapter and any other applicable standards.
- (f) **Descriptions.** Applications must be accurate and must include detailed descriptions of what the work that is the subject of the application involves. An application must include all pre-construction work, construction work, and restoration work required, along with a description of the facilities and property that are the subject of or affected by the applications, and a pre- and post-construction description of the same.

- (g) **New facilities.** Where an application involves new facilities, including replacement or relocation of an existing facility with a facility at a different location, the location selected in the application for any facility must not be in an area where the new facility would create an excessive number of poles or other facilities that interfere with public safety or the ability to use streets, sidewalks, or other rights of way, or would not be consistent with the general character of the neighborhood.
- (h) **Location and scale.** The location selected and the scale and appearance of the facility, including but not limited to wireless facilities, and any supporting structures to be installed, must be consistent with the general character of the neighborhood.
- (i) **Insurance.** The applicant must have agreed to and provided adequate insurance, bonding and indemnification.

Sec. 30-12. Utility permits.

- (a) **Permits required.** The applicant shall submit a utility permit application to the City Engineer before performing any of the following types of work in the right of way:
 - (1) minor maintenance of utility infrastructure;
 - (2) utility work required in emergency situations; and
 - (3) the installation, construction, relocation, significant removal, replacement, adjustment, or major maintenance of utility infrastructure.
- (b) **Compliance with applicable standards.** An application submitted pursuant to this section must demonstrate that the work will be performed in accordance with all applicable standards, including but not limited to the engineering standards adopted pursuant to Section 2-20 of this Code.

Sec. 30-13. Requirements for all installations in the right of way.

- (a) **In general.** All necessary licenses and permits must be obtained before any work is performed in the right of way. Permittees and occupants must comply with any permit conditions with respect to the facilities, or work performed in connection with the facilities. City permits are not transferable without City authorization. It is the responsibility of all applicants and permittees to call Miss Utility, 800-257-7777, prior to any excavation.
- (b) **Applicable standards.** All permittees and occupants are subject to all applicable standards now or hereafter adopted by the City in the exercise of its police power or by other governmental entities now or hereafter having jurisdiction.
- (c) **Minimum standards.** The requirements of this chapter are minimum standards and the requirements established or referenced herein may be in addition to or stricter than such minimum standards. Where there is no standard governing particular work, the work will be performed in a manner that minimizes risk to persons and property and that is consistent with sound practices for work of the type being performed.

- (d) **Public use.** Any use of the right of way by any permittee or occupant shall in all matters be subordinate to the City's use and use by the public, except as provided by Maryland law. Without limitation of its rights, the City expressly reserves the right to exercise its powers now and hereafter vested in or granted to the City as to the use, management and control of the right of way.
- (e) **Onsite information.** Occupants shall cooperate promptly and fully with the City and provide accurate and complete onsite information regarding the nature and horizontal and vertical location of its facilities located within the right of way, both underground and overhead, at the sole cost and expense of the occupant.
- (f) **City improvements.** Where installation of facilities requires protection, removal, relocation, or alteration of City improvements and the City consents to those, occupants and permittees are responsible at their cost to protect, alter, relocate, or remove City facilities as the City directs. If an occupant or permittee fails to do so, the City may order all work to stop, and may take such steps as are necessary to prevent any harms to City facilities, and may charge the occupant or permittee the costs of the work.
- (g) **Existing improvements.** All facilities shall be located and laid so as not to disrupt or interfere with any other pipes, drains, sewers, irrigation systems, telecommunication systems, or other structures or public improvements already installed. The lawful use of the right of way or other public areas of the City shall not be disrupted without the City's permission.
- (h) **Noise.** Facilities proposed by an applicant, including but not limited to wireless facilities, must not generate noise above 55 dB, whether the facility is located within the City or would be audible from any location in the City. Sound level is calculated based on nearest residential property line, and where there are multiple noise sources proposed or already installed by an applicant, the sound level limit is cumulative at the point of measurement.
- (i) **Maintenance.** Facilities must continue to satisfy the minimum conditions for approval after installation. Where an occupant fails to satisfy the minimum conditions, or where it fails to maintain facilities in a safe condition, or where it performs work that causes damages to property or creates risks to persons or property, the City may, in addition to revoking a permit, take any action it may take with respect to a permittee under this chapter.
- (j) **Disruption.** Permittees and occupants shall use commercially reasonable efforts to coordinate construction and maintenance of the facilities with the appropriate City agencies and other occupants to minimize unnecessary disruption of the right of way.
- (k) **Hazardous substances.** Except in strict accordance with all applicable standards, permittees and occupants shall not treat, transport, store, or dispose of any hazardous substance at any time on or near any municipal facilities or any right of way.
- (l) **Relocation.** Without limitation, relocation of any facility, whether temporary or permanent, in times of emergency, for major City events, or for construction of City, County, State, or Federal improvements will be at the expense of the occupant except as Maryland law otherwise requires.

- (m) **Revocation.** The City Engineer may revoke any permit issued pursuant to this chapter if it was improperly issued or in the event of a breach of the terms and conditions of this chapter or the permit itself. The City Engineer may refuse to issue permits to any person that repeatedly violates the provisions of its permits or this chapter without adequate assurance that existing deficiencies will be cured, and that future work will conform to the applicable requirements.
- (n) **Vacation of right of way.** In the event that any right of way is vacated or closed, any rights obtained pursuant to any permits issued with respect to such right of way shall cease upon the effective date of such vacation or closing. Except as may be required by Maryland law, an occupant may be required, at its expense, to remove all its facilities from the right of way. If it fails to do so, the City may cause the removal and charge the occupant for the cost thereof.
- (o) **Damages.** The permittee shall be responsible for any damages or injuries that may occur as a result of construction related to any permit. The permittee must maintain any work site and facilities thereon in a proper and safe condition. Upon completion of work at a site, all excess materials and facilities, including but not limited to utility poles that are no longer in use, must be removed from the site.
- (p) **Repair by permittee.** All earth, materials, sidewalks, paving, crossings, utilities, poles, structures, other public improvements, or improvements of any kind damaged or removed by a permittee and any right of way damaged or disturbed by a permittee shall be fully repaired, replaced or restored within 15 days by the permittee, as part of the completion of any work under any permit, at the permittee's sole cost and expense and to the satisfaction of the City, and in accordance with the City's standards for repair, replacement, or restoration. Except as specifically otherwise required, property damaged or removed must be restored or replaced to its prior or better condition and location, and right of way must be restored to its prior or better condition.
- (q) **Repair by City.** If a permittee fails to maintain a site in safe condition or fails to promptly remove, replace, repair, or restore as required by this chapter, the City may, after 15 days' notice and unless the permittee takes steps satisfactory to the City to correct the deficiency, make such removal, repair, restoration, or replacement at the permittee's cost. Notwithstanding the foregoing, if the City determines that acts or omissions of the permittee create an immediate risk to persons or property, the City may make such repair or replacement at the permittee's cost.
- (r) **Inspection.** The City may inspect work being performed in the right of way at any time, including work to repair or restore the right of way, and may inspect facilities in the right of way.
- (s) **Stop work.** At the time of any inspection, the City may order the immediate cessation of any work that poses a serious threat to the health, safety, or welfare of the public, or direct a permittee or occupant to take action to correct any condition that is in violation of the applicable standards. The City may revoke the permit and take any other legal or equitable action at law for any work and any facility that does not conform to the applicable standards.

- (t) **On site display.** The permit, plans, and the specifications of construction and materials shall be available at all times onsite for inspection by the City. Any persons performing work in the right of way must display their names and telephone numbers on vehicles.
- (u) **Lane closures.** Lane closure permits are required where traffic flow will be affected, to ensure vehicular and pedestrian traffic is maintained through all phases of construction.
- (v) **Parking.** No parking of utility vehicles will be allowed on sidewalks or areas outside of the pavement, except when specifically shown on an approved traffic control plan or with prior approval from the City.
- (w) **Storage.** No materials or equipment shall be stored in the right of way without prior written approval by the City, and under no circumstances shall parking of utility vehicles, storing of equipment or materials be allowed under any roadside tree, or any debris left in the right of way.
- (x) **Violations.** Failure to comply with the specifications and the requirements of this chapter may result in the immediate revocation of any permit, and may be treated as a breach of any license, lease, or franchise agreement. The City may also direct a permittee or occupant to remove its facilities, and repair, replace, or restore property affected by the removal.
- (y) **Obstructions, etc.** A facility may not be installed so as to cause:
 - (1) the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - (2) interference with the facilities and operations of facilities lawfully located in the right of way or public property;
 - (3) environmental damage, including damage to trees;
 - (4) an adverse effect, based on the criteria of 36 C.F.R. § 800.5, on any area individually designated or located within a Historic Preservation Overlay (HPO) district; or
 - (5) the right of way in which the facility is located to fail to comply with the Americans with Disabilities Act or otherwise obstruct access. A clear path of travel of at least 5 feet wide must be maintained at all times between any facility and the curb or any obstacle.

Sec. 30-14. Relocation and removal.

- (a) **In general.** These requirements apply to the relocation and removal of all facilities except to the extent Maryland law specifically requires different treatment of particular facilities.
- (b) **Interference.** Except as Maryland law may otherwise require, installations of any kind in or on the right of way shall not interfere with construction, operation, maintenance, repair, removal, or relocation of City improvements, City utilities, or City transportation systems, or other public projects, including but not limited to sidewalk widening. Upon

notice, an occupant will be responsible, at its cost, to protect, alter, remove or relocate its Facilities as necessary to eliminate any interference with City improvements or proposed improvements within a reasonable time, which time may be specified by the City.

- (c) **Grades and lines.** If the grades or lines of any City right of way change at any time in a manner affecting them, then upon notice the occupant shall be responsible, at its cost, to protect, alter, remove, or relocate the facilities within a reasonable time, which time may be specified by the City, so as to conform with such new grades or lines.
- (d) **Underground.** The City may direct any occupant to place facilities underground in accordance with Maryland law, and subject to such compensation arrangements as may be required by Maryland law. An occupant shall be responsible for timely undergrounding the facilities in accordance with the City's direction.
- (e) **Removal by City.** In the event that an occupant unreasonably refuses or neglects to protect, alter, remove, or relocate its facilities, the City may protect, alter, remove, or relocate the facilities without any liability to the occupant, and the occupant shall pay to the City the costs incurred in connection with the same. This provision shall not be construed to authorize an applicant to relocate any facilities, including without limitation base stations, to any other location on, over or under the right of way, except to the extent otherwise permitted herein.
- (f) **Emergencies.** The City may, at any time, in case of fire, disaster, or other emergency, protect, alter, remove, or relocate facilities and will not be liable therefor to the occupant. The City shall, if practicable, notify the occupant prior to undertaking such action, or if prior notice is impracticable, then the City shall notify the occupant as soon as practicable after such action has been taken.
- (g) **Notice.** The City may remove facilities without notice if the occupant does not have a valid franchise, license, or other consent, or if the occupant has not provided the City with information that would permit the City to identify and notify the occupant.
- (h) **Moving.**
 - (1) An occupant shall, upon prior written notice by the City or any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move facilities to permit the moving of the structure. The occupant may require payment of the actual reasonable costs to move its facilities from any person other than a governmental entity for any such movement of its facilities, which the occupant may require be payable in full prior to any such movement.
 - (2) An occupant may be required to move its facilities to accommodate use of the right of way by other persons authorized to occupy the right of way by the City. Upon the appropriate request of any person having satisfied any applicable standards, the occupant shall promptly remove, raise, lower, or relocate its facilities to permit such use. The cost of the same shall be borne in accordance with applicable standards or contracts that may govern the shared use of the right of way.

- (3) Except as required by law, an occupant may not charge a third party for work required to bring its facilities into compliance with the applicable standards, or for work where the occupant's facilities are not authorized to be in place.
 - (4) This subsection is not intended to provide any entity a right to attach to a structure owned by someone else without that entity's permission.
 - (5) The City may revoke permits, or refuse to issue permits, to any occupant that unreasonably fails to move its facilities in accordance with this section.
- (i) **Supporting structures.** Any occupant shall, upon notice, promptly relocate its facilities from supporting structures to permit those structures to be moved, replaced, or relocated. If an occupant continues to occupy a supporting structure in a manner that prevents it from being removed or relocated, no additional permits or other authorizations will be issued to that occupant until the facilities are relocated, and the City may revoke authorizations to occupy the right of way or exercise any other remedy available to it by law. If a supporting structure is no longer being used for its intended and approved purposes, it must be immediately removed, and if it is not removed, the City may cause the removal thereof and may charge the occupant that owns the supporting structure for the cost of the removal.
 - (j) **Expiration.** Upon expiration of any permit, lack of use of facilities for more than 6 months, or any violation of this chapter, the City may direct an occupant at its sole expense to remove the facilities or any portion of the facilities.
 - (k) **Abandonment.** The occupant may, with the City's approval, abandon the facilities in place where it is not practicable to remove them without excessive disruption of the City right of way, land in the vicinity, or other facilities, but must provide the City title, free and clear, to the facilities, along with maps and other information clearly identifying the location of the facilities.
 - (l) **Ownership.** If an occupant fails to remove its facilities within a reasonable period of time, the City may do so and charge the former occupant for all costs associated with removal, or at its option may declare the property abandoned and require occupant to execute and deliver such documents as the City shall reasonably request to evidence such ownership by the City of such facilities.
 - (m) **Applicable standards.** In removing the facilities, or part thereof, the occupant shall comply with all applicable standards.

Sec. 30-15. Maintenance and inspections.

The City shall inspect any facilities to ensure compliance with the applicable standards. Each occupant shall cooperate in any inspection.

Sec. 30-16. Small wireless facilities permits.

- (a) **Permit.** A wireless facilities permit is required before any small wireless facility (other than a facility exempt from permitting under this chapter) may be installed. Without limitation, a permit is required for a modification that constitutes an "eligible facilities

request" within the meaning of 47 U.S.C. Section 1455 and applicable FCC regulations.

(b) **Application requirements.** Each application, other than an eligible facilities request, shall include the following:

- (1) a certified analysis showing that the proposed facility satisfies the FCC's radio frequency (RF) exposure guidelines applicable on an individual basis, and on a cumulative basis (considering all frequencies, and all emitting sources as required by FCC regulations);
- (2) a detailed deployment plan describing planned construction to be completed within the 12-month period duration for construction provided by the permit, and a description of the completed deployment;
- (3) a statement describing the applicant's intent with respect to any collocation;
- (4) proof that the facility will be utilized in the provision of personal wireless services within 3 months of its construction;
- (5) in the case of a proposed attachment to an existing investor owned utility pole located in the right of way, an executed attachment/ replacement agreement with the utility pole provider;
- (6) an executed franchise agreement; and
- (7) if the applicant is requesting the installation of a new pole, a statement of how the applicant intends to meet the requirements of Maryland Code, Public Utilities, § 8-103, as amended from time to time, which limits new pole construction to only those necessary for the purpose of supporting telephone lines to provide telephone service.

(c) **Eligible facilities requests.** An eligible facilities request must contain the information required by subsection (b) (except for paragraphs (3) and (4)) and the following:

- (1) a clear statement that the request is being submitted as an eligible facilities request;
- (2) completed applications for all permits that will be required in conjunction with the work required for the eligible facilities request;
- (3) in order to ensure that the City can ensure that the proposal is for an eligible facilities request and can be installed safely, a statement from the entity that owns the supporting structure certifying that the design submitted will be permitted on the supporting structure without requiring replacement, excavation, or ground cabinets where none exist, and will comply with the applicable standards, including continued compliance with any stealth or concealment requirements in original permits;

- (4) a description of the modification proposed to a base station, or the base station's supporting structure;
 - (5) a description of the proposed wireless facility after completion of work, specifically identifying the size and location of all antennas, equipment boxes, cabling and other equipment;
 - (6) a copy of the permit or other authorization for the base station, tower and supporting structures that are to be modified, and any permit or other authorization that allowed modification of the same; and
 - (7) information as to the existing (and if different) the approved dimensions of all the elements of the wireless facility that are to be modified. It is not sufficient to provide information as to the dimensions of the wireless facility as of the date of the application. It is the applicant's burden to show the dimensions of the wireless facility that were approved.
- (d) **Issuance of small wireless permits.** Notwithstanding any other provision of this chapter:
- (1) The City Engineer shall approve a conditional small wireless permit upon determining that an application is an eligible facilities request satisfying all applicable requirements, and that the work associated with the request will not create a hazard to persons or property or violate applicable standards.
 - (2) The City Engineer may issue a wireless facilities permit for attachment to or replacement of a City-owned or controlled street light pole or traffic signal pole where:
 - (A) the applicant holds a valid franchise agreement from the City to occupy the right of way;
 - (B) the applicant has a valid contract therefor, entered into after the effective date of this chapter; and where the design for the attachment or replacement was approved by the City for the location proposed;
 - (C) the proposed attachment or replacement will not create a hazard to persons or property, and the work and proposed wireless facility otherwise comply with applicable standards;
 - (D) all required permitting fees have been paid; and
 - (E) the facility cannot be modified without the consent of the City.
 - (3) The City Engineer may issue a small wireless permit for attachment to or within an existing or replacement utility pole or other existing non-City-owned, non-tower supporting structure of a City-owned or controlled street light pole or traffic signal pole where the applicant shows that:

- (A) the proposed small wireless facility is not speculative, but will be used to address an identifiable service issue that cannot be addressed by additions to, modifications of, or coordination of existing wireless facilities;
 - (B) the applicant has a valid contract to place the facility on the supporting structure that will be used, and has a valid franchise agreement with the City to occupy the right of way;
 - (C) the proposed attachment or replacement will not create a hazard to persons or property, and the work and proposed wireless facility otherwise comply with applicable standards;
 - (D) all required permitting fees have been paid; and
 - (E) the proposed facility will comply with all the conditions of this chapter, and is designed with such stealth or concealment elements as will prevent the wireless facility from being modified without the discretionary consent of the City. If the wireless facility can be modified pursuant to an eligible facilities request, it does not satisfy this requirement.
- (4) The City Engineer may issue a decision recommending issuance of a permit for other wireless facilities in the right of way, considering the factors listed in paragraph (3) of this subsection and the impact of any variance from the required standards, including the impact on the character of affected neighborhoods, historic or environmentally sensitive areas, property values, the use of the right of way, and public health and safety, and considering whether the applicant has shown that it would be effectively prohibited from providing service if the application were denied. The City Engineer's approval will immediately be referred to the Board of Aldermen for final determination as to whether an exception should be granted.
- (e) **Multiple applications.** If an applicant submits several applications, the City in recovering costs reserves the right to charge applicant an additional fee representing the costs to obtain a contractor to provide additional assistance in order to effectively review the applications.
 - (f) **Fees.** For personal wireless services facilities, applicants must provide an application fee and an initial deposit as provided in the annual fee schedule ordinance. Full payment is a prerequisite to any application being deemed complete. An applicant must agree, as part of its application, to pay all reasonable costs incurred by the City in reviewing the application, including but not limited to costs incurred in retaining outside consultants. The deposit will be used to cover such costs and will be refundable to the applicant to the extent not fully used. The application fee is not refundable.
 - (g) **Appeals.** Any person adversely affected by the decision of the City Engineer pursuant to this chapter may appeal the City Engineer's decision to the Director, who may decide the issues de novo, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless services facility. All appeals must be filed within 5 business days of issuance of the written decision of the City Engineer, unless the City Engineer extends the time therefore. An extension may not be

granted where extension would result in approval of the application by operation of law. Any request for extension must be filed at least three business days prior to the expiration of the initial time for filing an appeal. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. Costs incurred by the City associated with conducting the appeal shall be borne by the applicant.

- (h) **Completeness.** For all facilities, applications will be processed, and notices of incompleteness provided, in conformity with all applicable laws. If such an application is incomplete, the City Engineer may reject it by notifying the applicant and specifying the material omitted from the application, in writing.

Article III. Aesthetic and other standards for small wireless facilities.

Sec. 30-17. Standards for all small wireless facilities.

- (a) **In general.** All small wireless facilities must comply with all requirements of this section.
- (b) **Public safety.** Any small wireless facility attached to a pole hosting a street light, traffic light, or other public safety purpose shall only be permissible to the extent it does not interfere with the operation of any public safety function or public safety communications. If in the City's sole discretion it is determined that a particular pole or location cannot support a small wireless facility without interfering with or otherwise affecting the reliability, performance, safety, or other functional aspects of such a pole, the City may deny a permit to install a wireless facility on such a pole, or to construct a new or replacement utility pole or wireless supporting structure, at such a location, to the extent permissible under law.
- (c) **Removal of trees.** The removal of City street trees is prohibited.
- (d) **Visual impacts.** All facilities should be installed in such a manner as to minimize visual impacts to surrounding properties and streetscapes, to comprise the least visible means possible, and to be as compatible with supporting structures and surroundings as reasonably possible. All small wireless facilities shall incorporate concealment elements to the maximum extent feasible and as appropriate to the site and type of facility. Small wireless facilities shall employ and maintain concealment elements and design techniques to minimize visual impacts and provide appropriate screening such that the installation, operation, and appearance of the small wireless facilities will be consistent with the character of the surrounding area.
- (e) **Underground.** All equipment should be located underground if feasible.
- (f) **Finish.** Facility colors shall match the background of any supporting structure upon which the facilities are located. On wooden poles, all attached concealment elements must use a color that closely matches the underlying pole and must be of a matte finish. On metal poles, finishes of concealment elements must be colored to match the metal finish of the existing pole. Equipment cabinets must be the color of the associated pole.
- (g) **Existing poles.** Upon application, wireless providers may place new poles or wireless supporting structures in the right of way, but only where there are existing above-ground utility poles and the poles must be removed if other such poles are removed, unless

those poles would meet the requirements of this subsection as permissible new poles. A new pole is only permitted if the applicant can show that:

- (1) the pole or supporting structure to be installed will be similar in size and design to existing poles, and placed appropriately to minimize intrusiveness and to avoid creating undue hazard to persons or property;
 - (2) the applicant demonstrates that the denial of the application would prohibit or have the effect of prohibiting the provision of personal wireless services, within the meaning of 47 U.S.C. § 332(c)(7); and
 - (3) existing utility poles or other supporting structures cannot be used to support the small wireless facilities, or would require a modification that would make the addition of an additional utility pole or wireless supporting structure less intrusive or safer. A determination by the City that a particular pole cannot support the proposed facility may satisfy this requirement.
- (h) **New poles.** Every new utility pole or wireless supporting structure shall be a monopole rather than a lattice tower or guy-wire support tower, unless otherwise authorized.
- (i) **Electricity.**
- (1) A small wireless facility on a City-owned pole may not impede the existing function of the pole. The power supply of a street light or traffic light may not be used by occupants. When attaching to City-owned poles, occupants are responsible for securing separately metered power for their facilities, and are responsible for any and all costs incurred in modifying a pole to support additional power supplies.
 - (2) Occupants not attaching to City-owned poles must ensure that their power supply arrangements with electric utilities do not result in any incremental cost increase to the City.
 - (3) Electrical meters must be enclosed within any pole that is not a wooden utility pole. Meters on any wooden utility pole must use concealment elements to the maximum extent possible.
 - (4) Generators may not be installed within the right of way.
- (j) **Nuisances.** All facilities shall be designed so as to be resistant to and minimize the opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions, which would result in hazardous conditions, visual blight, or attractive nuisances.
- (k) **Landscaping and screening.** Any equipment that is not installed underground shall be screened by structures, topography, or vegetation to the maximum extent feasible. Coaxial cables, conduit lines, and electrical boxes for ground-mounted antennas shall be placed underground or within approved structures to the extent feasible. Poles installed in public parks shall include landscaping as a concealment element to the maximum extent possible.

- (l) **Public art.** Wireless providers will be encouraged to design small wireless facilities to serve as public art, flagpoles, or artificial natural features such as trees or rocks where such designs are appropriate and feasible.
- (m) **Finish.** Unless otherwise required by any applicable standards, small wireless facilities shall have a non-reflective finish and shall be a neutral color consistent with the predominant background color.
- (n) **Lights.** Signal lights or illumination shall be prohibited unless required by the FCC or the Federal Aviation Administration.
- (o) **Signage.** The facilities shall not bear any signage, other than certification, warning, information, safety, and directional signage, or other non-commercial signage required by law, or expressly permitted by the City.

Article IV. Aesthetic standards for small wireless facilities located within the HPO.

Sec. 30-18. In general.

- (a) **Scope.** This section applies to any small wireless facility located within the HPO zoning district. The provisions of this article apply in addition to the other requirements of this chapter. In the event of a conflict between a provision of this article and any other provision, the provision of this article prevails.
- (b) **Paving.** Any needed repair or replacement of sidewalks, walking paths, or other paved areas within the right of way must be done in accordance with the applicable guidelines of the Historic Preservation Commission. Pavement must be replaced in kind. (Concrete must be replaced with concrete or brick, and brick must be replaced with brick.)
- (c) **Overhead wires.** Overhead wires or strand mounted facilities are strongly discouraged and will only be permitted when all other available options have been exhausted.
- (d) **Stickers.** Warning and carrier stickers must be the minimum size required not to exceed 4" x 6". Warning stickers should be placed as close to the antenna as possible and on the side facing the street. Carrier stickers must be placed on the underside of pole mounted equipment or on the street facing side of ground mounted equipment, unless otherwise required by state or federal regulations. The responsible occupant shall post its name, location identifying information and emergency telephone number on the carrier sticker that is visible to the public. If no cabinet exists, the warning and carrier sticker shall be placed at the base of the pole. Only black and white lettering is permitted.
- (e) **Logos/decals/signs:** Wireless service providers or wireless infrastructure providers shall remove or paint over unnecessary facility manufacturer decals on new or replacement poles and related facilities. New facilities and supporting structures may not include or display advertisements and may only display information required by a federal, state or local law. Wireless service providers or wireless infrastructure providers must utilize the smallest and lowest visibility RF warning stickers required by governmental or other utility based regulations. RF stickers should be placed as close to the antenna as possible. All other types of promotional or commercial signage are prohibited.

Sec. 30-19. Facilities and equipment.

- (a) **Cables and wiring treatments.** A facility's cables and wires should be entirely encased within a canister, shroud, or cabinet. Externally mounted cabling is only permitted for wood poles and must be contained within concealment elements installed flush mounted to the pole. At metal pole facilities, cables shall be run internally. Cables extending between poles and external cabinets should be placed underground unless an applicant demonstrates that it is unable to achieve its service objectives using underground cables. In situations where such cables cannot be placed underground, concealment elements must be utilized to the maximum extent possible.
- (b) **Carroll Creek Linear Park.** Within the Carroll Creek Linear Park, facilities may not be installed on existing residential street lights or on the ornamental light poles.

Sec. 30-20. Pole mounted facilities.

- (a) **Generally.** This section applies only to pole mounted facilities. Pole mounted facilities are encouraged over ground mounted facilities. Pole mounted facilities are only permitted on existing wooden poles or on nonresidential street lights.
- (b) **Consolidation.** Facilities must be consolidated into one cabinet to the extent possible. Otherwise, the fewest number of cabinets must be used.
- (c) **Width and orientation.** Facilities must be installed on the street side of the pole with the longer dimension running parallel to the pole. Facilities should not be more than 150% of the diameter of the pole or extend more than 6 inches on either side of the pole, whichever is greater. If the requirements of this subsection cannot reasonably be met, equipment should be ground mounted.
- (d) **Separation and height.** Facilities and meters should be installed at the minimum required separation from the antenna while maintaining at least 10 feet of clearance from the bottom of the pole mounted facility to the level of the sidewalk. The total amount of pole mounted facilities on any pole may not cover more than one third of the overall height of the pole.
- (e) **Luminaires.** Luminaires placed on poles must match the standard City detail for:
 - (1) nonresidential street lighting; or
 - (2) the ornamental street lights located at Market Street and Patrick Street and containing a pendant.

Sec. 30-21. Ground mounted facilities.

- (a) **Generally.** This section applies only to ground mounted facilities. Ground mounted facilities should be installed only when the installation of pole mounted facilities is not technically feasible,
- (b) **Pedestals.** The facilities may not be installed on a pedestal.
- (c) **Height.** Facilities may not exceed 42 inches in height.

- (d) **Extraneous equipment.** The ground mounted facilities may not contain any equipment that is not necessary for the operations of the individual small wireless facility.
- (e) **Distance to pole.** A facility must be installed as near as possible to its pole while also maintaining any required pedestrian clearance and avoiding other utility conflicts.
- (f) **Orientation.** Facilities must be oriented so that the longest dimension is parallel to the nearest street unless there is more than 36 inch clearance between the pole and the facility. If more than 36 inch clearance is present, the facility must be installed with an orientation consistent with the predominant pattern of street furniture (e.g. trash receptacles, bicycle racks, benches, or mailboxes or other ground mounted facilities) on that City block. In the Downtown Business (DB) zoning district or within 20 feet from the boundaries of that district, a facility must use concealment elements that closely match the design, material, and form of a U.S. Postal Service box or a City trash receptacle.

Sec. 30-22. Antennas.

- (a) **Collocation.** Antennas should be placed onto existing utility poles when feasible.
- (b) **Mounting.** All antennas must be top mounted and the center must align with the center of the pole. The antenna, mounting brackets, and cabling must be entirely concealed within a canister or shroud. When top mounting an antenna is not technically feasible, it should be mounted flush on the side of the pole that is closest to the street. Mounting brackets should not offset the equipment from the pole more than four inches. Flush mounted antennas may not extend beyond the top of the pole. Side arm mounting of antennas or other equipment is not permitted.

Sec. 30-23. New poles.

- (a) **Generally.** This section applies only to the installation of new poles.
- (b) **Base.** Poles must have a cylindrical, ornamental integrated equipment base that is uniform across all new pole installations. The top of the base must be no taller than 42".
- (c) **Finish.** Poles must be fluted, tapered, and with a matte finish.
- (d) **Mounting.** Hardware used for mounting poles should be compatible with City-approved hardware generally used for banners and flower baskets.
- (e) **Alignment.** Poles must be installed in alignment with existing street trees or other poles, whichever establishes the predominant pattern on that block.
- (f) **Facades.** Poles must be installed along an imaginary extension of a perpendicular lot line into the right of way when street-facing building facades are immediately abutting each other. If the facades are not immediately abutting each other, new poles shall be installed at an equal distance between the footprints of the buildings regardless of imaginary lot line extensions. In situations where neither of the two above installations is applicable, new poles may not be installed so that they are directly in line with a window or door on an adjacent street-facing building facade.

- (g) **Luminaires.** Poles will only include a luminaire when they are installed in a location identified by the City Engineer as requiring additional lighting.
- (h) **Location.**
 - (1) Poles should be located along named or unnamed alleys whenever possible.
 - (2) When poles are required in other locations, priority locations are Commerce Street, East All Saints Street (100 block only), East Street, and McMurray Street.
 - (3) When new poles cannot be installed at priority locations as listed in paragraphs (1) and (2) of this subsection:
 - (A) At the intersection of two or more streets if at least two of those streets are at least 50 feet wide, a pole must be set back at least 60 feet from the centerline of the opposing street or align with the nearest interior lot line, whichever is the closer.
 - (B) Unless it would result in a new pole being located within 25 feet of the corner of a building with a corner entrance, exceptions to the setback requirement of subparagraph (A) of this paragraph may be granted by the City Engineer if:
 - (i) the street within the required setback is adjacent to a plaza, a parking lot/area or a park;
 - (ii) for structures no more than three stories in height above street level, the first two stories of structures within the required setback are at least 90% devoid of window/door openings and architectural ornamentation; or
 - (iii) the structure within the setback is at least four stories in height above street level.

Sec. 30-24. Replacement poles.

- (a) **Height.** Replacement poles and extensions to existing poles are permitted provided that the overall height of the replacement pole (not including any antennas) is no more than 10% greater than the existing pole.
- (b) **Design.** Replacement poles must match the materials and general design of the existing pole and should contain an integrated facility base if feasible.
- (c) **Luminaires.** Replacement poles may only include a luminaire when it is replacing a pole with an existing luminaire.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any

remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that this ordinance shall take effect on the date it is approved by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

PASSED:

DATE:



April 18, 2019

**Michael C. O'Connor, President,
Board of Aldermen**

APPROVED:

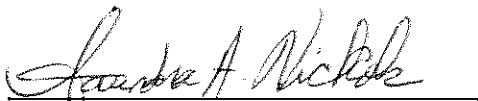
DATE:



April 18, 2019

Michael C. O'Connor, Mayor

Approved for Legal Sufficiency:



City Attorney