



## Legislation Details (With Text)

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**File created:** 11/14/2022      **In control:** City Council

**On agenda:** 12/19/2022      **Final action:** 12/19/2022

**Title:** Hyattsville Ordinance 2022-06: 5G Permits

**Sponsors:** City Administrator

**Indexes:** Ordinance

**Code sections:**

**Attachments:** 1. Hyattsville Ordinance 2022-06 amending Chapter 105 - small cell -, 2. Final Memo - 5G Draft Ordinance

Date	Ver.	Action By	Action	Result
12/19/2022	1	City Council		

Submitted by: Lesley Riddle  
Submitting Department: Public Works  
Agenda Section: Action

**Item Title:**  
**Hyattsville Ordinance 2022-06: 5G Permits**

**Suggested Action:**

I move the Mayor and Council introduce Hyattsville Ordinance 2022-06, an ordinance whereby the City Council amends Chapter 105, Articles VII and VIII of the Hyattsville Code (INTRODUCTION & FIRST READING).

**Summary Background:**

With the introduction of new global wireless internet service several years ago, local municipalities began to research the impact of the new communications hardware being deployed on existing infrastructure. In January 2019, the City enacted Emergency Ordinance 2019-01 regulating the installation and construction of wireless facilities and supporting structures in order to address the growing concerns from residents and staff. Two years ago, the City Council approved a contract with our current engineering firm, JMT, to assist City staff with researching and creating a more reasonable ordinance that considers the benefits and challenges with 5G installations within the public right of way.

City staff working with JMT reviewed several existing ordinances of local municipalities with up-to-date regulations related to 5G installations. A draft ordinance was crafted and reviewed by the City Attorney for legal sufficiency. The draft ordinance addresses residents' concerns while considering unnecessary regulations that would unfairly affect the communications industry and their capacity to upgrade our existing systems. The City's existing regulations do not sufficiently address our permit process for right of way (ROW) access to and for 5G installations and does not include the impact of radio frequency or electromagnetic waves on the greater environment.

**Next Steps:**

The second reading and adoption is scheduled for December 5. With Council approval the ordinance will be effective 20 days post adoption.

**Fiscal Impact:**

Permit fees will increase city revenue.

**City Administrator Comments:**

Recommend Approval. The staff has had several conversations and meetings with tech companies who have asked that we modify certain requirements. The staff is prepared to address valid requests through administrative procedures once the governing ordinance is approved.

**Community Engagement:**

Pending

**Strategic Goals:**

Goal 4 - Foster Excellence in all City Operations

**Legal Review Required?**

Complete