

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 625 (Senator Giannetti)  
Education, Health, and Environmental Affairs

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**Zoning - Regulation of Flagpoles Containing Telecommunications Equipment**

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This bill requires a local legislative body that regulates flagpoles to treat poles that contain telecommunications equipment in the same manner as poles that do not. This requirement would only apply if the pole that contains the telecommunications equipment is no more than 150 feet high and is also used as a flagpole.

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**Fiscal Summary**

**State Effect:** The bill would not directly affect State operations or finances.

**Local Effect:** While the bill would limit a local jurisdiction's authority with respect to zoning, it is not anticipated to have a significant direct effect on local finances. However, local finances could be positively affected to the extent the bill encourages economic development in a given local jurisdiction.

**Small Business Effect:** Potential meaningful. Wireless service providers would be positively affected to the extent the bill enables them to locate wireless facilities in areas where local regulations prevent them from doing so. Other businesses could be positively affected to the extent the bill encourages economic development in a given local jurisdiction.

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**Analysis**

**Current Law:** The role of local governments with respect to wireless telecommunications facilities is to plan and regulate the location, height, setbacks, and other building and safety standards within the limitations of the federal Telecommunications Act of 1996. While the federal law generally preserves local zoning

authority, local regulations must conform to two cardinal rules: (1) a blanket prohibition cannot be imposed; and (2) the regulations cannot discriminate among wireless communications providers.

**Background:** The onslaught of the current advancements in telecommunications and the marketing of personal wireless services have caught most local jurisdictions across the country ill-prepared to deal with the land-use implications of this phenomenon. As a result of citizen complaints about the tall towers and monopoles that have begun to spring up around the nation, some local officials have responded with regulations governing such facilities. New Hampshire law encourages wireless carriers to take steps to avoid using tall towers; that state encourages carriers to, among other things, disguise wireless service facilities as flagpoles, artificial tree poles, light poles, and traffic lights so that the facilities blend in with their surroundings.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Planning, Public Service Commission, Maryland Association of Counties, Maryland Municipal League, Charles County, Prince George's County, U.S. Code Annotated, State of New Hampshire Revised Statutes Online, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2004  
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