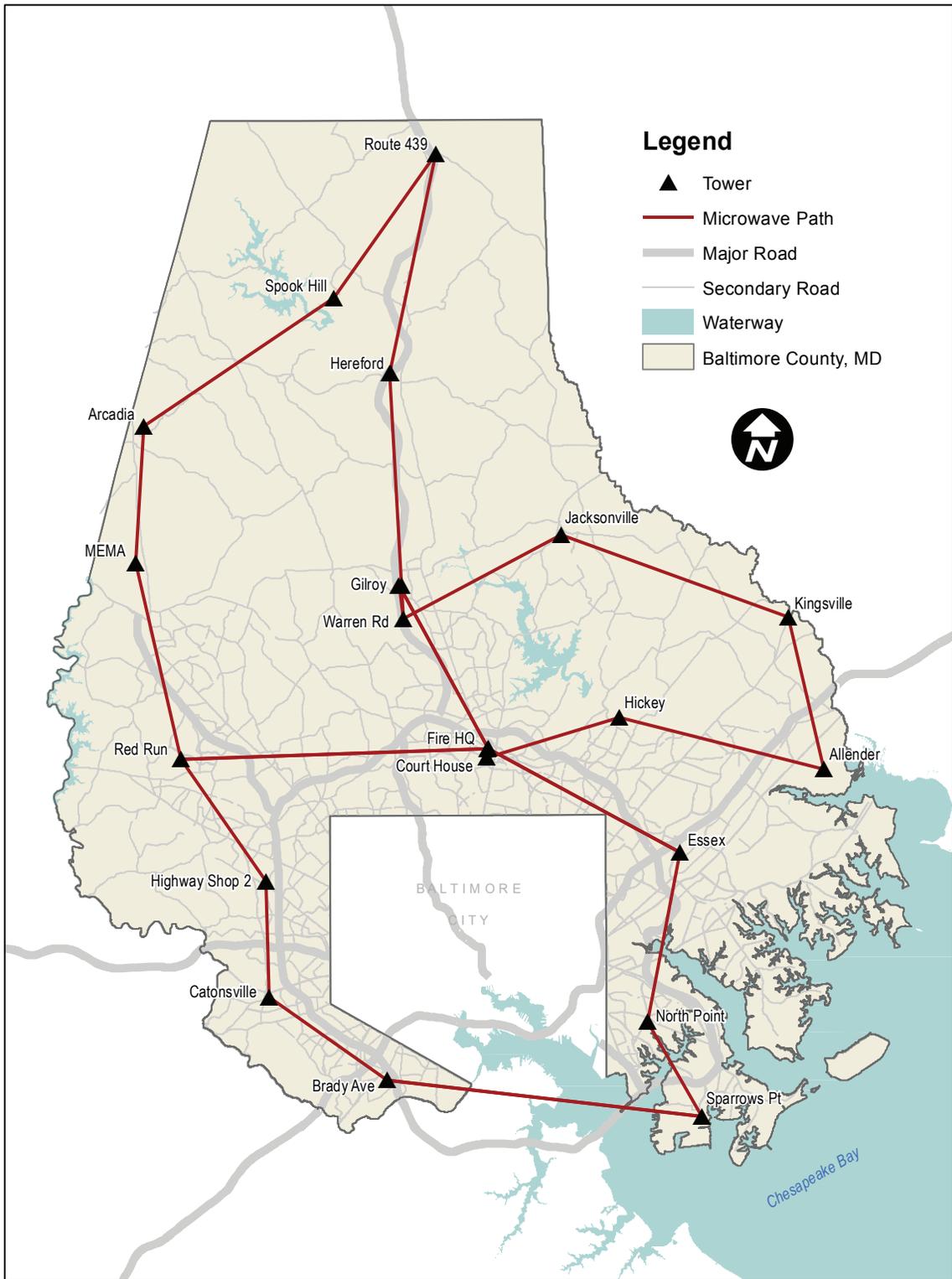




**Division VI  
Section B**

# **MICROWAVE PATH PROTECTION**



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## DEFINITIONS

**Building height** means the height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projections of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall).

**Microwave review area** means the area, as determined by the Director of the Office of Information Technology, within which construction or development could interrupt the line-of-sight microwave pathway required for the operation of the Baltimore County Public Safety Digital Communications System. For the purposes of this definition, interruption includes the anticipated material degradation of the operation of the system.

**Director**, for purpose of these provisions, shall mean Director, Office of Information Technology, unless otherwise noted.

### MICROWAVE PATHWAY MAPS AND NOTIFICATION

1. On a reproducible set of the pertinent sheets of the Official Zoning Map (1"=200'), the Office of Information Technology shall show the location of each microwave radio link tower, plot the pathways between towers and delineate the boundary of the review area lying 100 feet on each side of the centerline of each pathway.

2. Copies of the set of maps shall be supplied to the Department of Permits, Approvals and Inspection for use in advising applicants about the applicability of these provisions.

3. An applicant shall be advised as to the applicability of these provisions at the Concept Plan Conference required by Section 32-4-211 of the Development Regulations.

4. The Director of the Office of Information Technology shall place a map in at least two newspapers of general circulation showing the location of the line-of-sight pathway and directing interested parties to the Office of Information Technology for further information.

### DEVELOPMENT IN A MICROWAVE AREA

In a Microwave Review Area, no plan or plat may be approved unless the County finds that the line-of-sight microwave pathway required for operation of the Baltimore County Public Safety Digital Communications System is anticipated not to be interrupted. The applicant shall submit one additional set of Concept Plans showing the building footprint and exterior elevation.

1. If any proposed building or structure within the Microwave Review Area exceeds 60 feet in height, a plan shall be transmitted to the Director of the Office of Information Technology. For purposes of this section, the height of the building or structure shall be determined according to the definition of building height in accordance with the Comprehensive Manual of Development

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Policies and Baltimore County Zoning Regulations.

2. The Director of the Office of Information Technology shall provide written comments at the Concept Plan Conference. If no microwave path interruption is anticipated, the Director shall issue a clearance at the Concept Plan Conference. If microwave path interruption is anticipated, the Director shall indicate the method of preventing interruption and the estimated cost in the Concept Plan comments.

3. If microwave path interruption is anticipated, in order to obtain clearance, the applicant may either revise the plan or agree to meet these provisions to the satisfaction of the Director of the Office of Information Technology and the Hearing Officer.

4. After Development Plan approval, a plat may not be approved without approval of a Microwave Path Protection agreement according to these provisions.

#### **MICROWAVE PATH PROTECTION**

1. Any person required by these provisions to correct a microwave path interruption shall either make and complete the same to the satisfaction of Baltimore County or shall file with said Baltimore County a bond in such an amount as Baltimore County shall estimate and determine to be necessary to complete all of the installations or modifications required.

2. Such bond shall be in an amount to include all estimated costs for equipment modification and installation required at both end points of said microwave path as well as on or within the proposed structure.

3. Such bond may be either a cash bond or a bond executed by a company authorized to act as a surety in this State. The bond shall be payable to the County and be conditioned upon the faithful performance of any and all work required to be done, and that should such work not be done or completed within the time specified, the County may, at its option, cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State of Maryland.

4. Whenever the owner elects to deposit a cash bond, the County is authorized, in the event of any default on the owner's part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses. Any money remaining shall be refunded to the owner.

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5. When a substantial portion of the required equipment installation has been completed to the satisfaction of the Director of the Office of Information Technology and the completion of the remaining portion is delayed because of conditions beyond the owner's control, the Director may accept the completed portion and consent to a proportionate reduction of the surety bond in an amount determined by the Director to be adequate to assure the completion of the required work remaining to be done.

6. Whenever a surety bond has been filed in compliance with this section, the County is authorized, in the event of any default on the part of the principal, to enforce collection under such bond, for any and all damages sustained by the County by reason of any failure on the part of the principal faithfully and properly to do or complete the required installations, and, in addition, the County may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof.

7. The term of the bond shall begin on the date of the deposit of cash or the filing of the surety bond, and end upon the date of completion to the satisfaction of the Director of all installations required to be made. The fact of such completion shall be endorsed by a statement thereof signed by the Director, and the deposit shall be returned to the owner, or the surety bond may be exonerated at any time thereafter.

8. When the Director accepts the bond or is satisfied that the work has been completed, the Department of Permits, Approvals and Inspections shall be notified thereof.

9. A Certificate of Occupancy may not be issued until all improvements required by this section have been completed or satisfactorily assured in compliance with subparagraph 8.

10. If, as part of the improvement standards required by the Director, an antenna installation or an equipment room is required, the following provisions shall become an easement to the building and shall be transferred to any future owners.

a. The owner shall provide continuous electrical power, lighting and ventilation for all required equipment; and

b. The owner shall provide service access to the equipment room and the antenna installation to the County at any time.

11. Any person required to install microwave equipment or pay for modifications or operation of microwave under the provisions of this section may appeal any determination made by the Director of the Office of Information Technology in the enforcement or administration of these provisions of this section to the County Board of Appeals.

12. The Director may make such modifications in the improvement requirements of this section or may grant such waivers or modifications of the determinations as it shall determine are required to prevent any unreasonable hardship under the facts of each case so long as each such modification or waiver is in conformity with the general spirit and intent of the requirements of these provisions.

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13. The County, in its discretion, may assist in the cost of installing or making modifications to microwave equipment required by these provisions. Such assistance may be in the form of a contribution of a part of the cost of the work or by the furnishing of labor to assist in the construction. Such assistance, in whatever form, shall not exceed one-third of the total actual cost of construction. No contribution shall be allowable for any grading or engineering costs and the same shall not be considered in the grant of any assistance. Application for assistance must be in writing addressed to the County, and fully describe the nature of the project for which assistance is requested. Nothing herein shall be construed as requiring any contribution by the County to any person, and any contribution allowed shall only be available in exact accordance with the terms and conditions of the grant and subject to such general rules and regulations as may be promulgated with respect thereto by the County.

14. Whenever uncertainty exists as to the proper application of the provisions of this section in the matter of microwave transmission path, the Director shall determine if the application is in conformity with the spirit and intent of these provisions.