



**TOWN OF OCEAN CITY**  
**APPLICATION FOR A PERMIT TO INSTALL A WIRELESS FACILITY IN**  
**PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY**

**INSTRUCTIONS:**

Persons or companies applying for a permit under the Town of Ocean City Maryland Code (the “Code”) for the installation and operation of wireless installations and equipment in the public rights-of-way or on public property must complete this application form and submit it with all necessary information and documentation. If the applicant plans to encroach in the rights-of-way, this application should include a UTILITY INSTALLATION AGREEMENT for said encroachment.

For additional information regarding application requirements and all other requirements, please review the Code Chapter 94, entitled Utilities, at [www.oceancitymd.gov](http://www.oceancitymd.gov) and the Resolution Establishing Utility Installation Requirements for Distributed Antennas and Small Cell Wireless Facilities (RESOLUTION NO. 2021 – \_\_\_). For questions, contact the Office of the City Engineer at (410) 289-8845. If your response to a question includes attachments, label the attachments as exhibits that reference the Part and Question numbers. For example, for information requested in Part A, Question 5(a), label the documents “Exhibit A(5)(a)”.

**PART A: BASIC INFORMATION (ALL APPLICANTS)**

**1. Contact Information**

a) The applicant shall submit and maintain current at all times, basic contact information set forth below. The applicant shall notify the Town of Ocean City Maryland (“Town”) of any changes to the information submitted within fifteen (15) calendar days following any such change. This information shall include the following:

- i) The identity, including name, company, address, email, and telephone number of the applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- ii) The identity, including name, address, email, and telephone number of the owner of the proposed wireless facility including official identification numbers and FCC certifications and, if different from the owner, the identity of the person or entity responsible for operating the proposed wireless installation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- iii) If the owner of the structure on which the proposed wireless facility would be installed is different from (ii) above, the identity, including name, address, email, and telephone number of the owner of the structure:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- iv) Name, address, email, and telephone number of a local contact person for emergencies: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

## 2. Purpose of Wireless installation

Is the proposed wireless facility to be used for the provision of “personal wireless services” as defined by 47 U.S.C. Section 332(c)(7)(C)(i) on a sole or comingled basis?

- No. Specify the type(s) of wireless communications services to be provided using the proposed facility: \_\_\_\_\_.
- Yes. Specify the type(s) of personal wireless services: \_\_\_\_\_.

## 3. Type of Application

Please check the applicable box(es) and provide the information required below as an attachment to this Application, along with a written explanation identifying the facts relied upon to support the claimed treatment.

- Eligible Facilities Requests. Applicant asserts that the application qualifies as an “eligible facilities request” (EFR) (as defined in 47 CFR § 1.6100(b)(3), or any successor provision). Applicant shall submit the information required in the Application Requirements Part C below. ***The applicable FCC shot clock is sixty (60) days.***
- Collocation – Small Cell Facility (Existing Structure). Applicant asserts that the application is being submitted for approval of a Collocation of a Small Wireless

Installation, that is, the proposed facility meets both the definition of “small wireless installation” and is a “collocation” (both as defined by 47 C.F.R. § 1.6002). Replacements of existing structures are not “collocations”. Applicant shall submit the information required in Part B and the Application Requirements Part C below. ***The applicable FCC shot clock is ninety (90) days (sixty (60) days if application is submitted when FCC 18-133 is in effect).***

- Small Cell Wireless Facility (New Structure). Applicant asserts that the application is being submitted for approval to deploy a Small Wireless Facility (as defined by 47 C.F.R. § 1.6002(l)) involving placement of a new structure. Replacements of existing structures are considered new structures. Applicant shall submit the information required in Part B and the Application Requirements Part C, Section 3 below. ***The applicable FCC shot clock is ninety (90) days.***
  
- Other Wireless Facility Expressly Permitted by State or Federal Law to be in the ROW. Applicant asserts that the application is being submitted for approval of a type of wireless facility that applicable state or federal laws expressly permit to be in the Town’s public rights-of-way. If you checked this box, please attach an explanation of the basis for your assertion, including citations to supporting law, and state what FCC shot clock you assert applies to this application, if any. Submit the information required in the Application Requirements Part C below. Also, complete Part B if you answered yes to Part A, Question 2.
  
- Small Cell Wireless Facility on Public Property outside of the ROW. Applicant asserts that the application is being submitted for approval of a type of wireless facility to be within the Town’s jurisdictional boundaries and located on public property with an existing lease or license permitting such an installation. State what FCC shot clock you assert applies to this application, if any. Submit the information required in the Application Requirements Part C below. Also, complete Part B if you answered yes to Part A, Question 2.

#### **4. Application Fees**

Applicant shall pay all applicable fees in the amounts established by the current fee schedule. In the event applicant has pre-paid all or a portion of applicable fees, please include a copy of the receipt from that transaction.

#### **5. Franchises, Authorizations and Licenses**

To have a complete application, the applicant must have: (a) authorization to use the public rights-of-way or other public property; (b) licenses to provide proposed services; and (c) authorization to use the proposed structure.

- a) Does applicant have an existing franchise or other authorization to place wireless facilities in the public rights-of-way or other public property?

- No.  
If no, the application will be considered incomplete.
  - Yes.  
If yes, explain source of applicant's right to use the public rights-of-way or public property and submit related documentation upon request.
- b) Has applicant obtained all applicable licenses or other authorizations to provide the services proposed in connection with the application, whether required by the Federal Communications Commission, Maryland Public Service Commission, or any other agency with authority over the proposed services?
- No.
  - Yes.  
If yes, submit related documentation such as FCC licenses or authorizations, a certificate of public convenience and necessity, or a wireless identification registration (WIR) from the Maryland Public Service Commission.
- c) Is proposed wireless installation to be attached to a structure owned or controlled by a third party (not the owner of the proposed wireless installation)?
- No.
  - Yes.  
If yes, identify the owner as one of the following:
    - The Town.
    - Other: \_\_\_\_\_(insert name).

If you selected Other, provide a copy of the authorization or license to use the structure.

If you selected the Town, select one of the following:

    - I have a license or other agreement with the Town for use of the facility. [If you check this box, provide the document.]
    - I have no license or other agreement, but I am applying/have applied for one. [If you check this box, the application must be provided, along with payment or proof of payment of required fees.]

**PART B: PERSONAL WIRELESS SERVICES FACILITIES (RESPOND IF APPLICABLE)**

- I. Network Plan. Is the proposed facility part of a planned network?
- No
  - Yes
    - a. If so, how many additional facilities do you expect to file for?  
\_\_\_\_\_

b. In what locations?

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II. Multi-Carrier Deployment/Collocation.

- a. How many wireless service providers have committed to use the proposed facility?
- b. Without further changes to the dimensions of the facility or to its heat exhaust or noise levels, how many additional providers can the facility accommodate for:
  - i. 4G \_\_\_\_\_?
  - ii. 5G \_\_\_\_\_?
- c. What changes would be required to accommodate all wireless service providers (using licensed spectrum)? If not known, please explain.
- d. Was this location selected to satisfy anticipated service requirements for multiple providers? Or for the provider who has agreed to use the facility?
- e. If known, would this location satisfy the anticipated service requirements for multiple providers?

III. Is the proposed wireless communications facility part of a distributed antenna system (“DAS”)?

- Yes.
- No.

IV. , Identify and obtain any and all additional permits, approvals, or agreements (“Ancillary Permissions”) that will be required for any work within the boundaries of the Town in order to deploy the wireless facilities proposed which you contend must be issued (absent agreement or exceptional circumstances) no later than by the same time the Town must take action on the wireless application. It is your responsibility to review Code and policies and other state or FCC regulations applicable to the deployment of the wireless installation within the Town, and identify every Ancillary Permission that will be sought in conjunction with that deployment. The failure to conduct the investigation and to accurately identify all Ancillary Permissions may be grounds for denying the application or for declaring it incomplete. For example, if the wireless installation would be placed on a structure where historical review would be required at the state, federal or local level, the applications required for that review must be identified.

“I agree that, except for those applications identified and submitted in response to Question 5 (below) separately for any and all required Ancillary Permissions; any deadlines for action on any Ancillary Permissions will run from the date of those applications, and not from the date of this application; and that no work may be undertaken should this wireless application be granted, or granted subject to conditions, until and unless the same are obtained.”

Please demonstrate your acknowledgement by signing: \_\_\_\_\_

- V. Please provide an attachment that identifies the Ancillary Permission you seek now, and with respect to that Ancillary Permission, include the following completed checklist:
- I have the required approval or permit. [If you check this box, attached the required approval permit.]
  - I have not yet received the required approval or permit, but I am applying or have applied for one. [If you check this box, the application must be provided, and all fees or proof of fee payment provided.]

## **PART C: DETAILED APPLICATION REQUIREMENTS**

1. The application must provide the following information:

### **a) Location and Zoning Information**

- i) Location of the project site, including the nearest registered address, the names of the two nearest cross streets, GPS coordinates, and the present zone designation of the project site.
- ii) If the facility is proposed to be attached to an existing pole, provide the pole number.
- iii) Applicant shall include signed documentation indicating that applicant is the owner or is authorized by the owner of the structure and/or property to install and operate the proposed facility.

### **b) Description of the Proposed Project**

- i) A description of the proposed facility(ies), including whether the project is a collocated facility or the replacement, removal, or modification of an existing facility.
- ii) A detailed explanation as to why applicant asserts that the facility constitutes an eligible facilities request, including reference to and analysis of applicable FCC rules as they pertain to the proposed facility.
- iii) A list of all facilities and equipment proposed to be installed and the dimensions, weight, and manufacturer's specifications for each.
- iv) A description of the concealment elements, if any, associated with the facilities as they will be modified, including but not limited to painting and shielding, as modified. The showing should be sufficient to demonstrate that the modifications will not defeat any existing concealment elements. If there will be no concealment elements, so state.
- v) A description of any ground disturbance necessary to complete the proposed project.
- vi) A description of the site and any deployment outside the site necessary to complete the proposed project.

- vii) A description of all changes made to the facility from the date of the original installation (whether or not approved) and the description of the changes in height from February 22, 2012.
- viii) A description of all changes to be made to the existing base station and/or tower, including, among other things, identifying precisely what changes will be made to the supporting structure.

**c) Site Plan**

- i) One (1) electronic copy of a facility site plan at a scale of 1"=20' or larger and including the following:
  - (1) A north-pointing arrow on each plan sheet;
  - (2) Title block with applicant's name, owner's name, and contact information;
  - (3) Depiction of the fully-constructed proposed facility;
  - (4) Location of lot lines, streets (with street names), easements, and all structures and improvements, including accessory equipment, underground utilities and support structures, existing and proposed;
  - (5) Existing and proposed elevations of all facilities, equipment, support structures, appurtenances, and other related structures;
  - (6) Slopes, contours, trees and other pertinent physical features of the site, existing and proposed;
  - (7) All exterior lighting on the site, existing and proposed;
  - (8) Location use and approximate distance from property lines of the nearest structures on all properties abutting the site.

**d) Site Photograph(s)**

- i) Current color photographs of the site and its surroundings.

**e) Visual Impact Analysis**

- i) A visual impact analysis, which shall include photomontage, photo simulation or similar technique, demonstrating the potential visual impacts of the proposed facility. Consideration shall be given to views from public areas as well as from private property.

**f) Noise**

- i) Demonstrate compliance with the Town's noise ordinance, Chapter 30, Article V of the Code, by providing, among other relevant information, a description of the facilities and/or equipment within the applicant's project that are expected to induce or generate noise, as well as anticipated noise levels of said facilities and/or equipment. For facilities that generate noise, please provide testing data for noise assuming maximum facility

utilization and operational utilization (worst case) 10 feet from the source. Specify times and conditions during which noise generation will occur.

**g) FCC Radio Frequency Standards**

- i) A report signed by a Maryland licensed professional engineer with expertise in radio communications facilities and the calculation of radio frequency emissions that affirms, under penalty of perjury, that the proposed installation will be compliant with the FCC's standards. The report must also contain the following:
  - (1) A description of each of the proposed antennas and all related fixtures, structures, appurtenances and apparatus, including the height above grade, volume in total cubic feet, materials, lighting, and the directionality of each antenna (e.g., omni, directional, etc.);
  - (2) The frequency, modulation and class of service;
  - (3) A clear identification of areas, both vertically and horizontally, where exposure levels will exceed FCC standards for general public and occupational exposures. Please note that applicant's analysis must show that it has appropriately taken cumulative exposures into account, and should show exposures based on "worst case" scenarios;
  - (4) A certification that the facility will comply with all applicable standards for radio frequency emissions, including cumulative effects, and a description of the manner in which the radio frequency emissions for the facility were calculated, and the results of those calculations. Individual and cumulative emissions should be evaluated; and
  - (5) If the certification of the facility as currently installed, or as proposed to be modified, is subject to conditions designed to limit general public or occupational exposure, identify those conditions, and demonstrate that they have been satisfied, or describe when they will be satisfied.

**h) Structural Analysis**

- i) A report signed by a Maryland licensed professional engineer qualified in structural engineering, containing the following:
  - (1) In the case of a wireless installation attached to existing infrastructure, documentation of the ability of the structure to support the antennas, the proposed method of affixing the antennas and the precise point at which the antennas shall be mounted;
  - (2) In the case of a facility with a support structure (e.g., monopole), documentation that the structure is capable of supporting the antennas (and any other equipment to be attached to or supported by the support structure), and complies with applicable laws and



codes, as well as the structure's capacity for additional collocated antennas, and the precise point at which the antennas shall be mounted; and

- (3) A certification that the structure(s) on which the wireless installation (including all accessory equipment, such as radios, cabinets, etc.) will be placed can safely support the wireless installation; and that all elements of the wireless installation comply with applicable safety standards, including, without limitation, GO 95, 165, and 166.

In addition to the above, any request for an EFR shall also include:

**a) Prior Approvals/Permits**

- i) A copy of all approvals and/or permits for the tower or base station that is to be modified, and any subsequent modification permits, and any required conditions (imposed by the Town and/or third party) placed on the initial or subsequent permits.
- ii) A showing that the facility, as modified, will be in compliance with existing conditions of the underlying approval(s)/permit(s), whether or not it is in compliance with conditions as of the date of application. There must be a plan submitted for correction of any non-compliance condition.

**b) Description of Requested Modification**

- i) Will the modification increase the volume of equipment currently installed?  
\_\_\_\_\_ Yes    \_\_\_\_\_ No  
If yes: Existing Volume: \_\_\_\_\_ Proposed Volume: \_\_\_\_\_
- ii) Will the modification increase the height of installation?  
\_\_\_\_\_ Yes    \_\_\_\_\_ No  
If Yes: Existing Height: \_\_\_\_\_ Proposed Height: \_\_\_\_\_  
Height increases greater than 10% require the approval of the Mayor and City Council
- iii) Are any of the locations in an R-1 or MH Land Use zone?  
\_\_\_\_\_ Yes    \_\_\_\_\_ No  
If Yes, which locations: \_\_\_\_\_  
If Yes, modifications that increase the equipment volume or height of the pole will require the approval of the Mayor and City Council.
- iv) Will the modification require replacement of the existing mounting pole and/or foundation due to either increased weight or increased Effective Projected Area (EPA) of the new equipment?  
\_\_\_\_\_ Yes    \_\_\_\_\_ No

If Yes renderings must be submitted to the Mayor and City Council for review and approval.

**PART D: CERTIFICATION (ALL APPLICANTS)**

I (we) hereby certify under penalty of perjury that: (1) after diligent investigation, the information provided pursuant to this Application Form is true, accurate, and complete to the best of my (our) knowledge and belief; and (2) upon completion of the work proposed, the permitted wireless facility will comply with all applicable laws, regulations, practices or other requirements under federal, state, or local law, including, but not limited to, building and electrical codes, the FCC's radio frequency emissions standards, and the requirements of the Americans With Disabilities Act.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Printed Name

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