

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 15-13

BY: Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic and Purnell
INTRODUCED: December 15, 2015

A BILL ENTITLED

AN ACT Concerning

Public Safety - Public Safety Radio Coverage Code

For the purpose of amending the Worcester County Public Safety Radio Coverage Code to update regulations regarding in-building emergency radio coverage.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subtitle II - Public Safety Emergency Radio Coverage - of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

SUBTITLE II

Public Safety Emergency Radio Coverage

§ PS 6-201. Name, purpose and intent.

- (a) Name. The regulations hereby adopted shall constitute and shall hereafter be known as the “Worcester County Public Safety Radio Coverage Code” and may be cited and is hereinafter referred to as the “Public Safety Radio Coverage Code”.
- (b) Purpose and intent. It is the intent of this Subtitle to ensure the uninterrupted operation of Worcester County's public safety, law enforcement, other emergency-related and County operational wireless communications systems. It is the purpose of this Subtitle to require, as herein provided, that all persons or entities constructing, erecting or maintaining buildings and structures or equipment in Worcester County do so in a manner which does not interfere with the effective use of the County's wireless communications network and provides for the appropriate facilities necessary to eliminate interference and provide for adequate public safety radio coverage.

§ PS 6-202. Scope.

This Subtitle shall apply throughout the County, including the municipalities, in all instances where applicable building or fire code requires assurance of public safety radio coverage. The Department, by agreement, may modify the scope of this Subtitle within any municipality.

§ PS 6-203. Severability.

Should any section or provision of this Subtitle be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Title as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

§ PS 6-204. Administration and Enforcement.

The responsibility for the administration of this Subtitle shall be vested in the Department of Emergency Services. The enforcement of this subtitle shall be vested in the appropriate building or fire code official.

§ PS 6-205. Definitions.

- (a) Definitions of terms and acronyms. For the purposes of this Subtitle, the following definitions describe the meanings of the terms used in this Subtitle.
- (1) APCO -- The Association of Public Safety Communications Officials
 - (2) AUTHORITY HAVING JURISDICTION -- An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure
 - (3) BICSI -- Building Services Consulting Service International
 - (4) Department -- The Worcester County Department of Emergency Services
 - (5) FCC -- The Federal Communications Commission
 - (6) Two-Way Radio Communications Enhancement System -- A combination of components, RF emitting devices, antennas, cables, power supplies, control circuitry, and programming installed at a specific location to improve wireless communications for public safety

§ PS 6-206. General provisions.

- (a) Radio Coverage Determinations. In all matters related to public safety radio system coverage, interference, and two-way radio communications enhancement systems within Worcester County, Maryland, the Department of Emergency Services shall be the Authority Having Jurisdiction. The Department shall cooperate with officials charged with enforcing building codes and fire prevention codes where such codes relate to public safety radio system coverage, interference, and two-way radio communications enhancement systems.
- (b) Qualification of personnel. The minimum qualifications for personnel designing, installing and servicing two-way radio communications enhancement systems shall include:
- (1) System designers
 - A. Certification of in-building systems training; AND
 - B. A valid FCC-issued General Radio Telephone Operations License; OR
 - C. APCO Public Safety Communications Technician Certification; OR
 - D. BICSI Registered Communications Distribution Designer Certification.

- (2) System service technicians and lead installers
 - A. Certification of in-building systems training; AND
 - B. A valid FCC-Issued General Radio Telephone Operations License; OR
 - C. APCO Public Safety Communications Technician Certification; OR
 - D. Comparable certification deemed acceptable to the Department..
- (c) Permit required. A permit, issued by the Department, shall be required for the installation and operation of a radio coverage enhancement system.
- (d) Annual certification. The holder of a permit for the operation of a two-way radio communications enhancement system shall be responsible to conduct annual inspection, preventive maintenance, and testing of the radio coverage enhancement system at least annually and provide certification of such to the Department.
- (e) Required notifications. The holder of a permit for the operation of a two-way radio communications enhancement system shall immediately notify the Worcester County Public Safety Answering Point of any trouble condition involving the radio coverage enhancement system as well as immediately report when the trouble has been resolved.

§ PS 6-207. Violations and penalties.

- (a) Misdemeanor. Any person convicted of violating the provisions of this Subtitle shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the Department may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (b) Civil infraction. In addition, as an alternative remedy, violations of the provisions of this Subtitle or failure to comply with any of its requirements may, in minor cases as determined by the Department, constitute a civil infraction and shall be subject to a fine of not more than five hundred dollars. Each day that a violation continues shall be a separate offense.
- (c) Other remedies. The County may invoke any other remedy provided by public local law.
- (d) Offenders. The owner, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this 19th day of January, 2015. 2016.

ATTEST:

WORCESTER COUNTY COMMISSIONERS



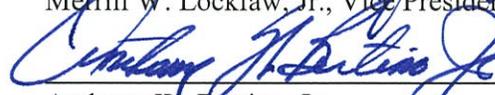
Harold L. Higgins
Chief Administrative Officer

Absent

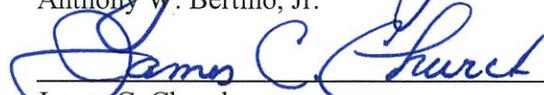
Madison J. Bunting, Jr., President



Merrill W. Lockfaw, Jr., Vice President



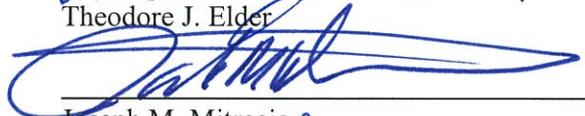
Anthony W. Bertino, Jr.



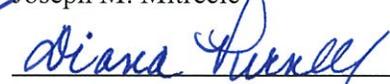
James C. Church



Theodore J. Elder



Joseph M. Mitrecic



Diana Purnell