



**Town of Riverdale Park
October 28, 2019**

7:30 p.m.

Public Hearing regarding amendment to Article VI Finance, Section 623 Competitive
Bidding of Town Charter

**Work Session
8:00 p.m.**

AGENDA

**Call to Order
Approval of Agenda**

Mayor's Report

- Mayor and Council Rules of Procedure

Public Comments

Town Manager's Report

Council Committee & Ward Reports

Work Session Discussion Items

1. Update on Implementation of Residential Trash Collection Contract
2. Conditions on and along Maryland Avenue
3. Transfer of Rivertech Court
4. Small Business Saturday
5. Ordinance 2019-OR-06 regarding Small Cell Design Guidelines
6. Ordinance 2019-OR-09 regarding Noise Control
7. Ordinance 2019-OR-10 regarding weapons on Town property
8. Charter Amendment 2019-CR-01 regarding Article VI Finance, Section 623 Competitive Bidding
9. Ordinance 2019-OR-11 regarding Chapter 17- Camping
10. International Property Maintenance Code
11. Riverdale Park Cares: Coats for Riverdale Elementary School
12. 2020 and 2021 Council Meeting Schedule
13. Street Closure: Natoli Place from Queensbury Road to Lafayette Avenue at Veterans Monument from 9:00 a.m. to 12 noon on November 11, 2019 for annual Veterans Day Ceremony
14. Minutes

New Business

Unfinished Business

Adjournment

All members of the public in attendance are honorary members of the Council, and as such may comment on all items under discussion (subject to the same Rules of Order that apply to elected Council Members). If you have questions or comments, please stand at the microphone to be recognized.



Town of Riverdale Park, Maryland

Department of Public Works

TO: John N. Lestitian, Town Manager

FROM: Ivy A. Lewis, Director of Public Projects and Services, DPW

DATE: October 25, 2019

RE: Residential Trash Collection Agreement

Action Requested: No formal action is requested. Instead, staff is providing to the Mayor and Council a report on the contractor's performance on residential trash collection under the new contract. This memorandum identifies key issues. A numeric report including performance indicators, liquidated damages, and administrative costs is attached. The report also includes the schedule of Liquidated Damages.

Overview:

On July 1, 2019, the new Residential Trash Collection Agreement with Bates took effect. In addition to several staff initiatives to benefit residents, it includes written expectations for performance, notification and reporting requirements, and liquidated damages for noncompliance. The new online system for residential trash concerns provides residents with a 24/7 system for reporting concerns. Notification Tags are now in use to educate residents about problematic set outs and how to correct them for collection. And, the Office of Administrative Services as a clearing house has proven its effectiveness in providing a central point of contact for residents without e-services and tracking and following up with Bates on outstanding complaints.

Contractor Performance:

Bates' performance overall has been mixed. Service to the Riverdale Park section of the Arts District development had a slow start. Trash containers were delivered several weeks after the official start date of service to this community (added under the new contract) and trash collection on Thursdays has been inconsistent through October 17th. Once started, Thursday trash collection was missed for up to three consecutive weeks. Yard waste collection has also been inconsistent, more frequently after the change in the collection day to Mondays, as requested by the contractor. After several weeks of missed yard waste collection in sections of Town, staff in the Department of Public Works completed the collections.

The following are other key issues addressed during monthly meetings with the Bates management team under the new contract:

1. Until recently, Bates did not have a route monitor to ensure the route was completed as required by the contract and during this time no "end of route" reports were provided. End of Route Reports have been consistent since the appointment of the route monitor.
2. The contractor has had difficulty meeting the turnaround timeline for the delivery of replacement and new trash containers; and,

3. Customer service staff continue to relay incorrect information to residents who contact Bates directly for service.
4. Impact and planned response to damage from Bates trucks to public and private properties in the Riverdale Park Station community.

In recent meetings, Bates has admitted to these issues and claims that several systems have been put in place to address them, including the hiring of a new Operations Manager assigned to Prince George's County communities and assignment of the route monitor. Staff and Bates are continuing discussions regarding how to address collection issues in Riverdale Park Station.

The performance issues discussed above have resulted in Liquidated damages totaling \$17,725; administrative fees of \$2,855; and a total of \$20,580 owed to the Town.

Staff will be available at the meeting to respond to questions.

Attachment

ATTACHMENT

Residential Trash Collection Services

Contractor Performance Data, Liquidated Damages and Administrative Cost (July 1 – October 24, 2019)

	Performance Indicator	Number ¹	% of Total	No. Subject to Liquidated Damages	Liquidated Damages	Admin. Cost ²
1.	Missed Trash Collection	36	13%	6	\$600	\$0
2.	Missed Yard Waste Collection	71	26%	26	\$2600	\$2855
3.	Missed Bulk Trash Collection	11	4%	2	\$200	0
4.	Delayed Trash Container Delivery (excluding Arts District)	85	32%	11	\$4450	0
5.	Delayed Trash Can Delivery (Arts District)	31 ³	12%	30	\$6750	0
6.	Spillage	1	.4%	1	\$100	0
7.	Failed to Remove Old Trash Container	2	.7%	N/A	NA	0
8.	Failure to notify Town when route is complete	31	12	30	\$3025	0
	Subtotal Totals	268	100%	106	\$17,725	\$2855
	Total					\$20,580

Notes:

1. Data Source: Reported concerns (online, email and phone) and staff tallies.
2. Admin cost reflects work of Town staff to pick up missed collections and includes staff and equipment costs and administrative fee
3. Total number of dwelling units in the Arts District

Prepare by Department of Public Works (September 30, 2019; Updated October 25, 2019)

ATTACHMENT

Residential Trash Collection Services

Contractor Performance Data, Liquidated Damages and Administrative Cost (July 1 – October 24, 2019)

Liquidated Damages Schedule

	Performance Measure	Liquidated Damages
1.	Failure to deliver trash containers within 7 days of request	<ul style="list-style-type: none">• \$50 each occurrence• \$20 per day container is not delivered
2.	Failure to notify Town when route is complete	<ul style="list-style-type: none">• Warning 1st occurrence• \$50 2nd occurrence• \$75 3rd occurrence• \$100 4th and up
3.	Failure to pick up missed collections with 24 hours of request	<ul style="list-style-type: none">• \$100 each occurrence
4.	Failure to clean up spillage with 24 hours after notification	<ul style="list-style-type: none">• \$100 each occurrence
5.	Failure to complete route on more than 2 consecutive collection days and repeat misses at same address/area of Town during 3-month period	<ul style="list-style-type: none">• \$250 each occurrence
6.	Failure to report delays and suspensions	<ul style="list-style-type: none">• \$50 each occurrence
7	Failure to submit reports by their due date	<ul style="list-style-type: none">• \$50 each occurrence



Town of Riverdale Park, Maryland

Department of Public Works

TO: John N. Lestitian, Town Manager

FROM: Ivy Lewis, Director of Public Projects and Services

DATE: October 25, 2019

RE: Conditions on and along Maryland Avenue

Action Requested: Staff seek an opportunity to discuss the current conditions on and along Maryland Avenue, as well as short and longer-term improvements.

Background: Maryland Avenue runs from Town Center along the railroad tracks north to the Riverdale Park Station development.

Current Conditions:

Roadway: The road is in poor condition. There are several potholes and sections of the macadam have significant alligator cracking.

Sidewalks: There are no public sidewalks.

On-street Parking: Many of the adjoining businesses use the semi-improved shoulder area for employee parking.

Tree / Vegetation Maintenance: The eastside of the roadway borders a treed area that belongs to CSX Transportation. The trees and other vegetation have not been properly maintained.

Adjoining private property: This industrial area generally lacks proper exterior maintenance.

Staff have received complaints in each of the current categories above.

Complicating Factors:

Roadway: The road primarily serves the adjoining industrial buildings and more recently the Riverdale Park Station development. The road is frequently used by tractor trailers, other commercial vehicles, and construction vehicles. Construction on the eastside of Riverdale Park Station is scheduled to continue for approximately 5 years.

Sidewalks: The slope of the roadway, need for curb-cuts, adjoining rights-of-way, and need for on-street parking will impact the design and cost of installing public sidewalks.

On-street Parking: During the week, parking of vehicles on the eastside of the road is continuous for the entire length. Several of the businesses are automotive repair businesses and the private parking areas are used for customer vehicles.

Tree / Vegetation Maintenance: CSX Transportation is governed by the Federal Railway Administration and as such is not required to comply with local laws or codes governing trees and vegetation.

Adjoining private property: The Town currently does not have comprehensive property maintenance codes that are applicable to non-residential properties.

Short-term Improvements:

Roadway: Staff plan to include pothole repair and crack-sealing in the upcoming Street Repair RFP.

Sidewalks: In the short-term, directing pedestrian traffic to the hiker/biker trail is the best option. Last year, staff added the hiker/biker trail to the list of pedestrian ways to be treated following ice/snow events.

On-street Parking: The Town's Development Services Office will be reaching out to the existing businesses to discuss parking needs and whether employees may readily park on private property. The Police Department will also periodically check the area for improperly parked / tagged vehicles.

Tree / Vegetation Maintenance: Staff are coordinating with the Town's contracted tree service to receive estimates to cut the trees back along the full length of the roadway.

Adjoining private property: The Town is in the process of reviewing a new property maintenance code that will provide staff with the necessary tools to address conditions on the neighboring non-residential properties.

Longer-term Improvements:

A comprehensive plan needs to be developed to address this area. A significant aspect of the plan needs to identify funding sources and partners.

Staff will be present at the Work Session to discuss the above and to receive input from the Mayor and Council.











Town of Riverdale Park, Maryland

Department of Public Works

TO: John N. Lestitian, Town Manager

FROM: Ivy A. Lewis, Director of Public Projects and Services, DPW

Cc: Leadership Team

DATE: October 25, 2019

RE: Rivertech Court Acceptance

Action Requested: No Mayor and Council action is requested at this time. Instead staff will provide a brief update on the status and process for the Town's acceptance of Rivertech Court.

Overview: Discussions have been ongoing for several years about the transfer of the County's interests in and maintenance responsibility for Rivertech Court to the Town following the completion of Rivertech Court extension (tied to bridge construction) and improvements to the roadway from the extension to River Road. In January 2019, the Town and County executed a Memorandum of Understanding (MOU) regarding shared maintenance of the bridge, and Town maintenance of Rivertech Court. In a recent meeting with County staff in the Department of Public Works and Transportation, Town staff learned that they assumed conveyance and acceptance of Rivertech Court had occurred through the maintenance MOU. They also assumed the maintenance agreement included the older section of the roadway. Staff informed them otherwise. Additionally, staff agreed to confirm the acceptance process with the Town's Attorney and present the process to County staff in a follow up meeting.

Also, at the meeting, Town staff asked the County to make additional improvements, including a bike lane, along Rivertech Court before or as a condition of acceptance. Staff will continue this discussion in future meetings with County staff on the process. Staff invites the Mayor and Council to provide input on other desired improvements along the roadway at the upcoming meeting.

Staff anticipates road acceptance in January 2020. Meanwhile staff will work with the County to ensure the appropriate documents are available to the Town that reflect the true boundaries of the right-of-way and the County legal interests/ownership of the roadway.

Staff will be available at the October 28, 2019 Council meeting to answer questions.

c. file



Town of Riverdale Park, Maryland

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Kevin Simpson, Development Services Director

CC: Staff Leadership Team

DATE: October 25, 2019

RE: Ordinance 2019-OR-06 regarding Wireless Telecommunications
Design Guidelines

Action Requested:

Staff is seeking review and input from the Mayor and Council on *Revised Ordinance 2019-OR-06, Wireless Telecommunications Design Guidelines*. Upon review, staff is seeking from the Mayor and Council, consideration to adopt *Revised Ordinance 2019-OR-06* at the November 4th Legislative Meeting.

Background:

At the September 9th Legislative Meeting, the Mayor and Council introduced, *Ordinance 2019-OR-06, Wireless Telecommunications Design Guidelines*. The legislation serves as a companion to *Ordinance 2019-OR-03*, which established general standards and regulations for the placement of wireless communication facilities within the Town's public rights-of-way.

Since its introduction, additional amendments have been made to the ordinance, as specified in the attached, *Revised Ordinance 2019-OR-06, Wireless Telecommunications Design Guidelines*. For reference purposes, the amendments to the ordinance are fully detailed in the attached *Revised Ordinance 2019-OR-06: Wireless Telecommunications Design Guidelines (Redline Version)*.

Staff will be available at the October 28th Work Session to address any comments or questions from the Mayor and Council.

Attachments:

1. *Ordinance 2019-OR-06: Wireless Telecommunications Design Guidelines*, as introduced at the September 9th Legislative Meeting;
2. *Revised Ordinance 2019-OR-06: Wireless Telecommunications Design Guidelines (Redline Version)*;

3. *Revised Ordinance 2019-OR-06: Wireless Telecommunications Design Guidelines* (Final Version);

COUNCIL OF THE TOWN OF RIVERDALE PARK

Ordinance 2019-OR-06

Introduced By: CM Christopher Henry

Date Introduced: September 9, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

FOR the purpose of providing certain design guidelines relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way, consistent with federal and state law; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

BY adding
Chapter 74, Wireless Telecommunications Facilities Design Guidelines
Sections 74-1 through 74-11, inclusive

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide design guidelines for the installation of wireless telecommunications facilities in the Town's rights-of-way that is consistent with federal and State law; Now therefore,

SECTION 1. BE IT ENACTED, BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that Chapter 74, "Wireless Telecommunications Facilities Design

Key:
CAPS: Indicate matter added to existing law.

Guidelines”, consisting of Sections 74-1 through 74-12, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 73 of the Code and to read as follows:

CHAPTER 74, WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

SECTION 74-1. PURPOSE.

THE PURPOSE OF THESE GUIDELINES IS TO ESTABLISH GENERAL PROCEDURES AND STANDARDS, CONSISTENT WITH ALL APPLICABLE FEDERAL AND STATE LAWS, FOR THE SITING, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, RELOCATION, OPERATION AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (“FACILITIES”) WITHIN THE TOWN OF RIVERDALE PARK’S (“TOWN”) RIGHTS-OF-WAY. THE GOALS OF THESE GUIDELINES ARE TO:

- A. PROVIDE STANDARDS, TECHNICAL CRITERIA AND DETAILS FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE TOWN’S RIGHTS-OF-WAY TO BE UNIFORMLY APPLIED TO ALL APPLICANTS AND OWNERS OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES OR SUPPORT STRUCTURES FOR SUCH FACILITIES;
- B. ENHANCE THE ABILITY OF WIRELESS TELECOMMUNICATIONS CARRIERS TO DEPLOY SMALL WIRELESS TECHNOLOGY IN THE TOWN QUICKLY, EFFECTIVELY AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES AND VISITORS BENEFIT FROM EXTENSIVE AND ROBUST WIRELESS SERVICE AVAILABILITY;
- C. PRESERVE THE CHARACTER OF THE TOWN’S NEIGHBORHOODS AND CORRIDORS, BY LIMITING VISUAL BLIGHT;
- D. ENSURE THAT SMALL WIRELESS TELECOMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES CONFORM WITH ALL APPLICABLE HEALTH AND SAFETY REGULATIONS AND WILL BLEND INTO THEIR ENVIRONMENT TO THE GREATEST EXTENT POSSIBLE; AND
- E. COMPLY WITH, AND NOT CONFLICT WITH OR PREEMPT, ALL APPLICABLE STATE AND FEDERAL LAWS.

SECTION 74-2. DEFINITIONS.

DEFINITIONS FOR THESE GUIDELINES ARE THOSE AS DEFINED IN CHAPTER 73 OF THE TOWN CODE.

SECTION 74-3. REQUIREMENT TO COMPLY.

PLACEMENT, MODIFICATION, OPERATION, RELOCATION AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS AND WIRELESS SUPPORT STRUCTURES SHALL COMPLY WITH CHAPTER 73 OF THE CODE OF THE TOWN OF RIVERDALE PARK AND ALL OTHER APPLICABLE TOWN, COUNTY, STATE AND FEDERAL LAWS. ALL PERMITS MUST BE IN COMPLIANCE AT THE TIME OF PERMIT APPROVAL AND AS MAY BE AMENDED FROM TIME TO TIME, AS NECESSARY.

SECTION 74-4. CONCEALMENT OF FACILITIES AND RELATED EQUIPMENT.

A. CONCEALMENT PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT ALL FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT INCORPORATE SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, SUCH AS:

1. INTEGRATED POLES. THE USE OF "SMART POLES," OR THOSE OF A SIMILAR TYPE, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING LIGHT, STREET OR OTHER MUNICIPAL POLES TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ADDED AESTHETIC VALUE. THESE POLES ARE INTENDED TO BLEND INTO THE ENVIRONMENT AND INTEGRATE THE TELECOMMUNICATIONS EQUIPMENT INTERNALLY.
2. STREET/DIRECTIONAL SIGNS. THE USE OF STREET AND/OR DIRECTIONAL SIGNS, WHERE PRACTICAL, TO CONCEAL CERTAIN EQUIPMENT, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING STREET OR DIRECTIONAL SIGNS TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ADDED AESTHETIC VALUE.
3. EQUIPMENT ENCLOSURES. EQUIPMENT ENCLOSURES, INCLUDING ELECTRIC METERS, SHALL BE AS SMALL AS POSSIBLE. GROUND-MOUNTED EQUIPMENT CONCEALMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, LANDSCAPING, STRATEGIC PLACEMENT IN LESS OBTRUSIVE LOCATIONS AND PLACEMENT WITHIN EXISTING OR REPLACEMENT STREET FURNITURE OR OTHER DECORATIVE ELEMENTS.
4. LANDSCAPING. LANDSCAPE SCREENING SHALL BE PROVIDED AND MAINTAINED AROUND GROUND MOUNTED EQUIPMENT ENCLOSURES. THE PLANTING QUANTITY AND SIZE SHOULD BE

SUCH THAT 100% SCREENING IS ACHIEVED WITHIN TWO YEARS AFTER INSTALLATION. THE TOWN MAY GRANT AN EXEMPTION FROM THIS LANDSCAPING REQUIREMENT BASED ON THE CHARACTERISTICS OF THE SPECIFIC LOCATION FOR THE EQUIPMENT ENCLOSURE. TREE "TOPPING" OR THE IMPROPER PRUNING OF TREES IS PROHIBITED. ANY PROPOSED PRUNING OR REMOVAL OF TREES, SHRUBS OR OTHER LANDSCAPING ALREADY EXISTING IN THE RIGHT-OF-WAY MUST BE NOTED IN THE APPLICATION AND MUST BE APPROVED BY THE TOWN.

WHEN UNDERGROUND VAULTS ARE PROPOSED, THEY SHALL BE LOCATED TO MINIMIZE DISRUPTION TO THE PLACEMENT OF STREET TREES. ADEQUATE PLANTING DEPTH SHALL BE PROVIDED BETWEEN THE TOP OF THE VAULT AND THE FINISHED GRADE TO ALLOW PLANTS TO GROW IN A HEALTHY CONDITION.

SECTION 74-5. LOCATIONS OF FACILITIES AND RELATED EQUIPMENT.

- A. COLLOCATION PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT WHENEVER AN APPLICANT PROPOSES TO PLACE A NEW WIRELESS SUPPORT STRUCTURE WITH A SMALL WIRELESS TELECOMMUNICATIONS FACILITY WITHIN 250 FEET FROM AN EXISTING WIRELESS SUPPORT STRUCTURE, THAT THE WIRELESS INFRASTRUCTURE PROVIDER EITHER COLLOCATE WITH THE EXISTING FACILITY OR DEMONSTRATE THAT A COLLOCATION IS EITHER NOT TECHNICALLY FEASIBLE OR SPACE ON THE EXISTING FACILITY IS NOT POTENTIALLY AVAILABLE.
- B. MOST PREFERABLE LOCATIONS. THE FOLLOWING LOCATIONS ARE PREFERRED WHEN NOT ADJACENT TO A PARK, RESIDENTIAL AREA OR HISTORIC DISTRICT.
 - 1. INDUSTRIAL AREAS; AND
 - 2. COMMERCIAL AREAS ADJACENT TO HIGHWAYS.
- C. LEAST PREFERABLE LOCATIONS.
 - 1. RESIDENTIAL AREAS;
 - 2. PARKS; AND

3. HISTORIC DISTRICTS.

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

THE FOLLOWING LIST INDICATES THE ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES.

1. EXISTING UTILITY POLES. IT IS THE TOWN'S PREFERENCE THAT FACILITIES BE INSTALLED ON EXISTING UTILITY POLES OR EXISTING LINES BETWEEN EXISTING POLES.
2. NON-ORNAMENTAL SERVICE POLES. IF THE WIRELESS INFRASTRUCTURE PROVIDER DOES NOT HAVE THE RIGHT TO USE EXISTING UTILITY POLES OR LINES, THE TOWN PREFERS NON-ORNAMENTAL SERVICE POLES AS THE NEXT OPTION.
3. NEW POLES. IF THE FIRST TWO ALTERNATIVES HAVE PROVEN TO BE NON-VIABLE OPTIONS, THE TOWN PREFERS THE INSTALLATION OF A NEW POLE.
4. ORNAMENTAL MUNICIPAL POLES. THE USE OF ORNAMENTAL MUNICIPAL STREET LIGHTS AND SIGN POLES AS WIRELESS SUPPORT STRUCTURES IS DISCOURAGED. THESE SHOULD ONLY BE PROPOSED IF THE THREE ALTERNATIVES LISTED ABOVE ARE UNAVAILABLE OR WHEN REQUESTED BY THE TOWN BASED ON THE PROPOSED LOCATION IF THE WIRELESS INFRASTRUCTURE PROVIDER DEMONSTRATES THAT EXEMPLARY DESIGN CAN BE ACHIEVED THROUGH INSTALLATION OF AN ORNAMENTAL POLE WITH INTEGRATED ANTENNAS THAT ARE CONCEALED, TO CONFORM TO EXISTING INFRASTRUCTURE.

SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.

A. THE TOWN RESERVES THE RIGHT TO PROPOSE AN ALTERNATE WIRELESS SUPPORT STRUCTURE AND/OR LOCATION TO THE ONE PROPOSED IN THE APPLICATION, AS FOLLOWS:

1. THE PROPOSED ALTERNATE LOCATION FOR A NEW SUPPORT STRUCTURE MAY BE WITHIN 100 FEET OF THE PROPOSED LOCATION OR WITHIN A DISTANCE THAT IS EQUIVALENT TO THE WIDTH OF THE RIGHT OF WAY IN OR ON WHICH THE NEW

WIRELESS SUPPORT STRUCTURE IS PROPOSED, WHICHEVER IS GREATER; AND

2. IF AN APPLICATION PROPOSES TO INSTALL FACILITIES THAT CONFLICT WITH SPACE DESIGNATED FOR FUTURE PUBLIC IMPROVEMENTS WHICH ARE DOCUMENTED IN AN APPROVED PLAN IN PLACE AT THE TIME OF THE APPLICATION THE APPLICATION MAY BE DENIED OR AN ALTERNATE LOCATION PROPOSED, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER AND/OR WIRELESS SERVICE PROVIDER AGREE TO RELOCATE OR REINSTALL THE WIRELESS SUPPORT STRUCTURE IN A MANNER WHICH IS CONSISTENT WITH THE APPROVED PLAN AT THE TIME THE PUBLIC IMPROVEMENTS ARE INSTALLED.

SECTION 74-7. PLACEMENT OF FACILITIES AND RELATED EQUIPMENT.

A. GENERALLY, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL CONSTRUCT AND MAINTAIN FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT IN A MANNER THAT DOES NOT:

1. OBSTRUCT, IMPEDE OR HINDER PUBLIC TRAVEL OR SAFETY ON RIGHTS-OF-WAY;
2. OBSTRUCT THE LEGAL USE OF RIGHTS-OF-WAY BY OTHER UTILITY PROVIDERS;
3. VIOLATE NONDISCRIMINATORY APPLICABLE CODES;
4. VIOLATE OR CONFLICT WITH THE CODE OF THE TOWN OF CAPITOL HEIGHTS, OR OTHER APPLICABLE LAWS; AND
5. VIOLATE THE FEDERAL AMERICANS WITH DISABILITIES ACT OR COMPARABLE MARYLAND LAW.

B. THE TOWN DESIRES TO IMPROVE AESTHETICS AROUND TOWN AND TO PROMOTE CLEANLY ORGANIZED AND STREAMLINED FACILITIES USING THE LEAST INTRUSIVE MEANS TO PROVIDE WIRELESS SERVICES TO THE COMMUNITY, AS FOLLOWS:

1. GENERALLY, FACILITIES SHALL MATCH AND BE CONSISTENT WITH THE MATERIALS AND FINISH OF THE MUNICIPAL POLES IN THE SURROUNDING AREA ADJACENT TO THEIR LOCATION; AND

2. IN THE ABSENCE OF ADJACENT MUNICIPAL POLES, SUPPORT STRUCTURES SHALL, AT A MINIMUM, MATCH THE MATERIALS AND FINISH OF ADJACENT UTILITY POLES.

C. ANTENNAS ON EXISTING OR REPLACED UTILITY POLES. ANTENNAS ASSOCIATED WITH COLLOCATION ON EXISTING OR REPLACEMENT POLES MUST BE IN COMPLIANCE WITH ALL APPLICATION LAWS AND THESE GUIDELINES.

D. SERVICE LINES. ALL SERVICE LINES MUST BE UNDERGROUNDED WHENEVER PRACTICAL TO AVOID ADDITIONAL OVERHEAD LINES. FOR HOLLOW POLES, UNDERGROUNDED CABLES AND WIRES MUST TRANSITION DIRECTLY INTO THE POLE BASE WITHOUT ANY EXTERNAL JUNCTION BOX. ON WOOD POLES, ALL ABOVE-GROUND WIRES, CABLES AND CONNECTIONS SHALL BE ENCASED IN THE SMALLEST SECTION OR SMALLEST DIAMETER PVC CHANNEL, CONDUIT, U-GUARD, OR SHROUD FEASIBLE, WITH A MAXIMUM DIMENSION OF 4" DIAMETER. SUCH CONDUIT SHALL BE FINISHED IN ZINC, ALUMINUM OR STAINLESS STEEL, OR COLORED TO MATCH THOSE METAL FINISHES.

E. SPOOLED OR COILED CABLES. TO REDUCE CLUTTER AND DETER VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES SHALL NOT BE SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE OR CABINET.

F. GROUND MOUNTED EQUIPMENT. ANY PROPOSED GROUND MOUNTED EQUIPMENT SHOULD BE PLACED AS FOLLOWS:

1. IN A MANNER TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE PUBLIC TRAVEL OR SAFETY ON THE RIGHTS-OF WAY;
2. TO MAXIMIZE THE LINE OF SIGHT REQUIRED TO ADD TO SAFE TRAVEL OF VEHICULAR AND PEDESTRIAN TRAFFIC AND MAXIMIZE THAT LINE OF SIGHT AT STREET CORNERS AND INTERSECTIONS AND MINIMIZE HAZARDS AT THOSE LOCATIONS; AND
3. THE TOWN MAY DENY A REQUEST THAT NEGATIVELY IMPACTS VEHICULAR AND/OR PEDESTRIAN SAFETY.

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

1. EQUIPMENT MUST BE INSTALLED AS FLUSH TO THE POLE AS POSSIBLE;
 2. EQUIPMENT ATTACHED TO METAL POLES MUST USE STAINLESS STEEL BANDING STRAPS, IN A COLOR TO MATCH THE COLOR OF THE POLE;
 3. EQUIPMENT ATTACHED TO WOOD POLES MAY BE BOLTED TO THE POLE (THROUGH BOLTING OR LAG BOLTS ARE PROHIBITED) OR INSTALLED USING STAINLESS STEEL BANDING STRAPS;
 4. ALL EQUIPMENT SHALL BE LOCATED AS CLOSE TOGETHER AS TECHNICALLY POSSIBLE AND IF POSSIBLE, ON THE SAME SIDE OF THE POLE;
 5. ALL EQUIPMENT OTHER THAN THE ANTENNA(S), ELECTRIC METER AND DISCONNECT SWITCH MUST BE CONCEALED WITHIN AN EQUIPMENT CABINET, WHICH MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE; AND
 6. EQUIPMENT CABINETS SHOULD BE MOUNTED AS FLUSH TO THE POLE AS POSSIBLE, AND MUST BE NON-REFLECTIVE, COLORED TO MATCH THE EXISTING POLE, IF ATTACHED TO A METAL POLE, AND IN THE COLOR OF BRUSHED ALUMINUM IF ATTACHED TO A WOOD POLE.
- H. ELECTRIC METER. THE TOWN STRONGLY ENCOURAGES THE USE OF FLAT-RATE ELECTRIC SERVICE WHEN IT WOULD ELIMINATE THE NEED FOR A METER. WHEN A METER IS NECESSARY, METERS SHALL BE THE SMALLEST AND LEAST INTRUSIVE ELECTRIC METER AVAILABLE, AND IF PERMITTED BY THE ELECTRIC SERVICE PROVIDER, SHALL BE PAINTED TO MATCH THE METAL POLE, OR IN THE COLOR OF BRUSHED ALUMINUM IF ATTACHED TO A WOOD POLE.
- I. TELEPHONE/FIBER OPTIC UTILITIES. CABINETS FOR TELEPHONE AND/OR FIBER OPTIC UTILITIES MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE, AND MUST BE PAINTED, WRAPPED OR OTHERWISE COLORED TO MATCH THE POLE. MICROWAVE OR OTHER WIRELESS BACKHAUL IS DISCOURAGED WHEN IT WOULD INVOLVE A SEPARATE AND UNCONCEALED ANTENNA.

SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

UNDERGROUNDED EQUIPMENT VAULTS. EQUIPMENT IN AN ENVIRONMENTALLY CONTROLLED UNDERGROUND VAULT MAY BE REQUIRED IN SOME AREAS WHERE TECHNOLOGICALLY FEASIBLE AND APPROPRIATE FOR THE LOCATION.

SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1) NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK AND WILL NOT APPROVE MORE THAN ONE PER 250 FEET ON EACH SIDE OF THE STREET TO MINIMIZE THE HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.
1. ALIGNMENT WITH OTHER POLES. THE CENTERLINE OF ANY NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE MUST BE ALIGNED, AS MUCH AS POSSIBLE, WITH THE CENTERLINES OF EXISTING POLES ON THE SAME STREET SEGMENT, BUT ONLY IF THE NEW STRUCTURE'S HEIGHT DOES NOT CONFLICT WITH OVERHEAD UTILITY LINES AND FACILITIES;
 2. GENERAL RESTRICTIONS ON NEW WOOD POLES. IN ALL LOCATIONS, THE TOWN RESERVES THE RIGHT TO REQUIRE A METAL POLE RATHER THAN A WOOD POLE BASED ON THE BUILD AND/OR NATURAL ENVIRONMENTAL CHARACTER OF THE PROPOSED LOCATION.
 3. WOOD POLE FOOTINGS AND FOUNDATIONS. ALL NEW WOOD POLES MUST BE DIRECT BURIED TO A DEPTH DETERMINED, STAMPED, SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED BY THE STATE OF MARYLAND, AND SUBJECT TO THE TOWN'S REVIEW AND APPROVAL;
 4. METAL POLE MATERIAL. ALL METAL POLES MUST BE CONSTRUCTED FROM HOT-DIP GALVANIZED STEEL OR OTHER CORROSION-RESISTANT MATERIALS APPROVED BY THE TOWN AND FINISHED IN ACCORDANCE WITH THESE GUIDELINES TO AVOID RUST STAINS ON ADJACENT SIDEWALKS, BUILDINGS OR OTHER IMPROVEMENTS;

5. METAL POLE FINISH. METAL POLES MUST BE PAINTED BLACK. THE APPLICANT MAY SELECT A PAINT OR POWDER COAT SYSTEM IN COMPLIANCE WITH ATSM STANDARDS; AND
6. LIGHTING, PLANTERS, FLAGS, BANNERS, DIRECTIONAL SIGN BRACKETS. THE TOWN MAY REQUIRE THE APPLICANT TO INSTALL FUNCTIONAL STREETLIGHTS AND/OR BRACKETS TO HOLD HANGING FLOWER PLANTERS, FLAGS AND/OR BANNERS AND DIRECTIONAL SIGN BRACKETS WHEN TECHNICALLY FEASIBLE AND THE TOWN DETERMINES THAT SUCH ADDITIONS WILL ENHANCE THE OVERALL APPEARANCE AND USEFULNESS OF THE PROPOSED FACILITY. THE TOWN MAY UTILIZE THE BRACKETS, FLAGS AND BANNERS.

B. EXEMPTIONS.

1. AN EXEMPTION MAY BE GRANTED IF THE APPLICANT CAN DEMONSTRATE THAT THIS RESTRICTION HAS THE EFFECT OF PREVENTING WIRELESS SERVICE TO THIS LOCATION; AND
2. IF MULTIPLE REQUESTS ARE RECEIVED TO INSTALL TWO (2) OR MORE POLES THAT WOULD VIOLATE THE SPACING REQUIREMENT OR TO COLLOCATE TWO (2) OR MORE SMALL WIRELESS TELECOMMUNICATIONS FACILITIES ON THE SAME SUPPORT STRUCTURE, PRIORITY WILL BE GIVEN TO THE FIRST REQUEST RECEIVED THAT MEETS THESE GUIDELINES.

SECTION 74-10. TOWN-OWNED WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. REQUIRED LOAD ANALYSIS. INSTALLATIONS ON ALL TOWN-OWNED POLES SHALL HAVE AN INDUSTRY STANDARD POLE LOAD ANALYSIS COMPLETED, SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED IN THE STATE OF MARYLAND AND SUBMITTED TO THE TOWN WITH EACH PERMIT APPLICATION INDICATING THAT THE TOWN-OWNED POLE TO WHICH THE SMALL WIRELESS TELECOMMUNICATIONS FACILITY WILL BE ATTACHED WILL SAFELY SUPPORT THE LOAD; AND
- B. INSTALLATIONS ON SIGN POLES. INSTALLATIONS ON SIGN POLES MAY ONLY OCCUR IF THE SIGN POLE IS FIFTEEN (15) FEET OR TALLER, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER CAN DEMONSTRATE THAT THE FACILITIES CAN BE INTEGRATED IN A

MANNER WHICH COMPLIMENTS OR ENHANCES THE AREA IN WHICH THE SIGN POLE IS TO BE INSTALLED.

SECTION 74-11. UNDERGROUNDING REQUIREMENTS.

THE TOWN MAY DENY PERMIT APPLICATIONS, OR REQUIRE AN ALTERNATE LOCATION, TO INSTALL STRUCTURES AND FACILITIES IN THE RIGHT-OF-WAY OR UTILITY EASEMENTS WHERE UTILITIES HAVE BEEN REQUIRED TO BE INSTALLED UNDERGROUND. THE APPLICANT MAY REQUEST A WAIVER IF THE WIRELESS SERVICE PROVIDER IS UNABLE TO ACHIEVE ITS SERVICE OBJECTIVE USING A LOCATION IN THE RIGHT-OF-WAY WHERE UTILITIES ARE NOT UNDERGROUND OR IN A UTILITY EASEMENT THE WIRELESS SERVICE PROVIDER HAS THE RIGHT TO ACCESS, OR IN OR ON OTHER SUITABLE LOCATIONS OR STRUCTURES MADE AVAILABLE BY THE TOWN.

SECTION 74-12. GENERAL PROVISIONS.

- A. TREE MAINTENANCE. THE WIRELESS INFRASTRUCTURE OR SERVICE PROVIDER, ITS CONTRACTORS, AND AGENTS SHALL OBTAIN WRITTEN PERMISSION AND NOTIFY THE TOWN, AS FOLLOWS:
 - 1. FROM THE TOWN BEFORE TRIMMING TREES IN THE RIGHT-OF-WAY; AND
 - 2. FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.
- B. GRAFFITI ABATEMENT. AS SOON AS PRACTICAL, BUT NOT LATER THAN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF NOTICE, THE PROVIDER SHALL REMOVE ALL GRAFFITI ON ANY OF ITS FACILITIES, EQUIPMENT OR STRUCTURES. THE TOWN MAY AGREE TO AN EXTENSION OF TIME IF THE PROVIDER DEMONSTRATES THE NEED TO ORDER REPLACEMENT EQUIPMENT.
- C. MINOR TECHNICAL EXCEPTIONS. THE TOWN RECOGNIZES THAT IN SOME CIRCUMSTANCES STRICT COMPLIANCE WITH THESE GUIDELINES MAY RESULT IN UNDESIRABLE AESTHETIC OUTCOMES AND THAT MINOR DEVIATIONS SHOULD BE GRANTED WHEN THE NEED FOR SUCH DEVIATIONS ARISES FROM CIRCUMSTANCES OUTSIDE OF THE APPLICANT'S CONTROL.
- D. WAIVERS. IN THE EVENT THAT ANY APPLICANT ASSERTS THAT STRICT COMPLIANCE WITH ANY PROVISIONS IN THESE GUIDELINES, AS APPLIED TO A SPECIFIC PROPOSED FACILITY, WOULD EFFECTIVELY PROHIBIT THE ESTABLISHMENT OF WIRELESS SERVICE TO A LOCATION,

THE TOWN MAY GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

SECTION 2. AND BE IT FURTHER ENACTED THAT If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 3. AND BE IT FURTHER ENACTED that this Ordinance shall take effect twenty calendar days after passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS indicate matter added to existing law.

COUNCIL OF THE TOWN OF RIVERDALE PARK

Revised Ordinance 2019-OR-06

Introduced By: CM Christopher Henry

Date Introduced: September 9, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

FOR the purpose of providing certain design guidelines relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way, consistent with federal and state law; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

BY adding
Chapter 74, Wireless Telecommunications Facilities Design Guidelines
Sections 74-1 through 74-142, of the Code of the Town of Riverdale Park,
inclusive

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide design guidelines for the installation of wireless telecommunications facilities in the Town's rights-of-way that is consistent with federal and State law; Now therefore,

Key:
CAPS: Indicate matter added to existing law.

SECTION 1. BE IT ENACTED, BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that Chapter 74, “Wireless Telecommunications Facilities Design Guidelines”, consisting of Sections 74-1 through 74-12, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 73 of the Code and to read as follows:

**CHAPTER 74, WIRELESS TELECOMMUNICATIONS FACILITIES
DESIGN GUIDELINES**

SECTION 74-1. PURPOSE.

THE PURPOSE OF THESE GUIDELINES IS TO ESTABLISH GENERAL PROCEDURES AND STANDARDS, CONSISTENT WITH ALL APPLICABLE COUNTY, FEDERAL, AND STATE LAWS, FOR THE SITING, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, RELOCATION, OPERATION, AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (“FACILITIES”) WITHIN THE TOWN OF RIVERDALE PARK’S (“TOWN”) RIGHTS-OF-WAY. THE GOALS OF THESE GUIDELINES ARE TO:

- A. PROVIDE STANDARDS, TECHNICAL CRITERIA, AND DETAILS FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE TOWN’S RIGHTS-OF-WAY TO BE UNIFORMLY APPLIED TO ALL APPLICANTS AND OWNERS OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES OR SUPPORT STRUCTURES FOR SUCH FACILITIES;
- B. ENHANCE THE ABILITY OF WIRELESS TELECOMMUNICATIONS CARRIERS TO DEPLOY SMALL WIRELESS TECHNOLOGY IN THE TOWN QUICKLY, EFFECTIVELY, AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES, AND VISITORS BENEFIT FROM EXTENSIVE AND ROBUST WIRELESS SERVICE AVAILABILITY;
- C. PRESERVE THE CHARACTER OF THE TOWN’S NEIGHBORHOODS AND CORRIDORS, BY LIMITING VISUAL BLIGHT;
- D. ENSURE THAT SMALL WIRELESS TELECOMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES CONFORM WITH ALL APPLICABLE HEALTH AND SAFETY REGULATIONS AND WILL BLEND INTO THEIR ENVIRONMENT TO THE GREATEST EXTENT POSSIBLE; AND
- E. COMPLY WITH, AND NOT CONFLICT WITH ~~OR PRE-EMPT~~, ALL APPLICABLE COUNTY, STATE, AND FEDERAL LAWS.

SECTION 74-2. DEFINITIONS.

DEFINITIONS FOR THESE GUIDELINES ARE THOSE AS DEFINED IN CHAPTER 73 OF THE TOWN CODE.

SECTION 74-3. REQUIREMENT TO COMPLY.

PLACEMENT, MODIFICATION, OPERATION, RELOCATION, AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS AND WIRELESS SUPPORT STRUCTURES SHALL COMPLY WITH CHAPTER 73 OF THE CODE OF THE TOWN OF RIVERDALE PARK AND ALL OTHER APPLICABLE TOWN, COUNTY, STATE, AND FEDERAL LAWS. ALL PERMITS MUST BE IN COMPLIANCE AT THE TIME OF PERMIT APPROVAL AND AS MAY BE AMENDED FROM TIME TO TIME, AS NECESSARY.

SECTION 74-4. CONCEALMENT OF FACILITIES AND RELATED EQUIPMENT.

A. CONCEALMENT PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT ALL FACILITIES, SUPPORT STRUCTURES, AND RELATED EQUIPMENT INCORPORATE SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, SUCH AS:

1. INTEGRATED POLES. THE USE OF "SMART POLES," OR THOSE OF A SIMILAR TYPE, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING LIGHT, STREET, OR OTHER MUNICIPAL POLES TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ~~ADDED~~ ENHANCED AESTHETIC VALUE. THESE POLES ARE INTENDED TO BLEND INTO THE ENVIRONMENT AND INTEGRATE THE TELECOMMUNICATIONS EQUIPMENT INTERNALLY.
2. STREET/DIRECTIONAL SIGNS. THE USE OF STREET AND/OR DIRECTIONAL SIGNS, WHERE PRACTICAL, TO CONCEAL CERTAIN EQUIPMENT, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING STREET OR DIRECTIONAL SIGNS TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ~~ADDED~~ ENHANCED AESTHETIC VALUE.
3. EQUIPMENT ENCLOSURES. EQUIPMENT ENCLOSURES, INCLUDING ELECTRIC METERS, SHALL BE AS SMALL AS POSSIBLE. GROUND-MOUNTED EQUIPMENT CONCEALMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, LANDSCAPING, STRATEGIC PLACEMENT IN LESS OBTRUSIVE LOCATIONS AND PLACEMENT WITHIN EXISTING OR REPLACEMENT STREET FURNITURE OR OTHER DECORATIVE ELEMENTS.

4. LANDSCAPING. LANDSCAPE SCREENING SHALL BE PROVIDED AND MAINTAINED AROUND GROUND MOUNTED EQUIPMENT ENCLOSURES. THE PLANTING QUANTITY AND SIZE SHOULD BE SUCH THAT 100% SCREENING IS ACHIEVED WITHIN TWO YEARS AFTER INSTALLATION. THE TOWN MANAGER, OR DESIGNEE, MAY GRANT AN EXEMPTION FROM THIS LANDSCAPING REQUIREMENT BASED ON THE CHARACTERISTICS OF THE SPECIFIC LOCATION FOR THE EQUIPMENT ENCLOSURE. TREE "TOPPING" OR THE IMPROPER PRUNING OF TREES IS PROHIBITED. ANY PROPOSED PRUNING OR REMOVAL OF TREES, SHRUBS, OR OTHER LANDSCAPING ALREADY EXISTING IN THE RIGHT-OF-WAY MUST BE NOTED IN THE APPLICATION AND MUST BE APPROVED BY THE TOWN MANAGER OR DESIGNEE.

WHEN UNDERGROUND VAULTS ARE PROPOSED, THEY SHALL BE LOCATED TO MINIMIZE DISRUPTION TO THE PLACEMENT OF STREET TREES. ADEQUATE PLANTING DEPTH SHALL BE PROVIDED BETWEEN THE TOP OF THE VAULT AND THE FINISHED GRADE TO ALLOW PLANTS TO GROW IN A HEALTHY CONDITION.

SECTION 74-5. LOCATIONS OF FACILITIES AND RELATED EQUIPMENT.

- A. COLLOCATION PREFERENCE. ~~IT IS THE TOWN'S PREFERENCE THAT~~ WHENEVER AN APPLICANT PROPOSES TO PLACE A NEW WIRELESS SUPPORT STRUCTURE WITH A SMALL WIRELESS TELECOMMUNICATIONS FACILITY WITHIN 250 FEET FROM AN EXISTING WIRELESS SUPPORT STRUCTURE, ~~THAT~~ THE WIRELESS INFRASTRUCTURE PROVIDER SHALL EITHER COLLOCATE WITH THE EXISTING FACILITY OR DEMONSTRATE THAT A COLLOCATION IS EITHER NOT TECHNICALLY FEASIBLE OR SPACE ON THE EXISTING FACILITY IS NOT ~~POTENTIALLY~~ PRACTICABLY AVAILABLE.
- B. MOST PREFERABLE LOCATIONS. THE FOLLOWING LOCATIONS ARE PREFERRED WHEN NOT ADJACENT TO A PARK, RESIDENTIAL AREA, HISTORIC DISTRICT, OR AREAS SUBJECT TO ENHANCED DESIGN REVIEW.
 1. INDUSTRIAL AREAS; AND
 2. COMMERCIAL AREAS ADJACENT TO HIGHWAYS, EXCEPT WHEN THOSE AREAS ARE SUBJECT TO ENHANCED DESIGN REVIEW.

C. LEAST PREFERABLE LOCATIONS.

1. RESIDENTIAL AREAS;
2. PARKS; ~~AND~~
3. HISTORIC DISTRICTS; AND
4. AREAS SUBJECT TO ENHANCED DESIGN REVIEW.

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

THE FOLLOWING LIST INDICATES THE ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES.

1. EXISTING UTILITY POLES. IT IS THE TOWN'S PREFERENCE THAT FACILITIES BE INSTALLED ON EXISTING UTILITY POLES OR EXISTING LINES BETWEEN EXISTING POLES.
2. NON-ORNAMENTAL SERVICE POLES. IF THE WIRELESS INFRASTRUCTURE PROVIDER CANNOT PRACTICABLY OBTAIN THE RIGHT TO USE ~~DOES NOT HAVE THE RIGHT TO USE~~ EXISTING UTILITY POLES OR LINES, THE TOWN PREFERS NON-ORNAMENTAL SERVICE POLES AS THE NEXT OPTION.
3. NEW POLES. IF THE FIRST TWO ALTERNATIVES HAVE PROVEN TO BE ~~NON-VIABLE~~ NOT PRACTICABLE OPTIONS, THE TOWN PREFERS THE INSTALLATION OF A NEW POLE.
4. ORNAMENTAL MUNICIPAL POLES. THE USE OF ORNAMENTAL MUNICIPAL STREET LIGHTS AND SIGN POLES AS WIRELESS SUPPORT STRUCTURES IS DISCOURAGED. THESE SHOULD ONLY BE PROPOSED IF THE THREE ALTERNATIVES LISTED ABOVE ARE ~~UNAVAILABLE~~ NOT PRACTICABLE OR WHEN REQUESTED BY THE TOWN BASED ON THE PROPOSED LOCATION, IF THE WIRELESS INFRASTRUCTURE PROVIDER DEMONSTRATES THAT EXEMPLARY DESIGN CAN BE ACHIEVED THROUGH INSTALLATION OF AN ORNAMENTAL POLE WITH INTEGRATED ANTENNAS THAT ARE CONCEALED, TO CONFORM TO OR ENHANCE EXISTING INFRASTRUCTURE.

SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.

A. THE TOWN RESERVES THE RIGHT TO PROPOSE AN ALTERNATE WIRELESS SUPPORT STRUCTURE AND/OR LOCATION TO THE ONE PROPOSED IN THE APPLICATION, AS FOLLOWS:

1. THE PROPOSED ALTERNATE LOCATION FOR A ~~NEW~~ SUPPORT STRUCTURE MAY BE WITHIN 100 FEET OF THE PROPOSED LOCATION OR WITHIN A DISTANCE THAT IS EQUIVALENT TO THE WIDTH OF THE RIGHT OF WAY IN OR ON WHICH THE ~~NEW~~ WIRELESS SUPPORT STRUCTURE IS PROPOSED, WHICHEVER IS GREATER; AND
2. IF AN APPLICATION PROPOSES TO INSTALL FACILITIES THAT CONFLICT WITH SPACE DESIGNATED FOR FUTURE PUBLIC IMPROVEMENTS WHICH ARE DOCUMENTED IN AN APPROVED PLAN IN PLACE AT THE TIME OF THE APPLICATION THE APPLICATION MAY BE DENIED OR AN ALTERNATE LOCATION PROPOSED, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER AND/OR WIRELESS SERVICE PROVIDER AGREE AS PART OF THE APPLICATION TO RELOCATE OR REINSTALL THE WIRELESS SUPPORT STRUCTURE IN A MANNER WHICH IS CONSISTENT WITH THE APPROVED PLAN AT THE TIME THE PUBLIC IMPROVEMENTS ARE INSTALLED.

SECTION 74-7. PLACEMENT OF FACILITIES AND RELATED EQUIPMENT.

A. GENERALLY, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL CONSTRUCT AND MAINTAIN FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT IN A MANNER THAT DOES NOT:

1. OBSTRUCT, IMPEDE, OR HINDER PUBLIC TRAVEL OR SAFETY ON RIGHTS-OF-WAY;
2. OBSTRUCT THE LEGAL USE OF RIGHTS-OF-WAY BY OTHER UTILITY PROVIDERS;
3. VIOLATE NONDISCRIMINATORY APPLICABLE CODES;
4. VIOLATE OR CONFLICT WITH THE CODE OF THE TOWN OF ~~CAPITOL HEIGHTS~~ RIVERDALE PARK, OR OTHER APPLICABLE LAWS; AND

5. VIOLATE THE FEDERAL AMERICANS WITH DISABILITIES ACT OR COMPARABLE MARYLAND LAW.
- B. THE TOWN DESIRES TO IMPROVE AESTHETICS AROUND TOWN AND TO PROMOTE CLEANLY ORGANIZED AND STREAMLINED FACILITIES USING THE LEAST INTRUSIVE MEANS TO PROVIDE WIRELESS SERVICES TO THE COMMUNITY, AS FOLLOWS:
1. GENERALLY, FACILITIES SHALL MATCH AND BE CONSISTENT WITH THE MATERIALS AND FINISH OF THE MUNICIPAL POLES IN THE SURROUNDING AREA ADJACENT TO THEIR LOCATION; ~~AND~~
 2. IN THE ABSENCE OF ADJACENT MUNICIPAL POLES, SUPPORT STRUCTURES SHALL, AT A MINIMUM, MATCH THE MATERIALS AND FINISH OF ADJACENT UTILITY POLES; AND
 3. IN AREAS WITH MIXED STYLES OF MUNICIPAL POLES, THE HIGHEST QUALITY OF POLES SHALL BE PROVIDED.
- C. ANTENNAS ON EXISTING OR REPLACED UTILITY POLES. ANTENNAS ASSOCIATED WITH COLLOCATION ON EXISTING OR REPLACEMENT POLES MUST BE IN COMPLIANCE WITH ALL APPLICATIONABLE LAWS AND THESE GUIDELINES.
- D. SERVICE LINES. ALL SERVICE LINES MUST BE UNDERGROUNDED WHENEVER PRACTICABLE TO AVOID ADDITIONAL OVERHEAD LINES. FOR HOLLOW POLES, UNDERGROUNDED CABLES AND WIRES MUST TRANSITION DIRECTLY INTO THE POLE BASE WITHOUT ANY EXTERNAL JUNCTION BOX. ON WOOD POLES, ALL ABOVE-GROUND WIRES, CABLES, AND CONNECTIONS SHALL BE ENCASED IN THE SMALLEST SECTION OR SMALLEST DIAMETER PVC CHANNEL, CONDUIT, U-GUARD, OR SHROUD ~~FEASIBLE~~ PRACTICABLE, WITH A MAXIMUM DIMENSION OF 4" DIAMETER. SUCH CONDUIT SHALL BE FINISHED IN ZINC, ALUMINUM OR STAINLESS STEEL, OR COLORED TO MATCH OR EXCEED ~~THE~~ QUALITY OF EXISTING ENCASEMENTS ~~THOSE METAL FINISHES~~.
- E. SPOOLED OR COILED CABLES. TO REDUCE CLUTTER AND DETER VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES SHALL NOT BE SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE OR CABINET.
- F. GROUND MOUNTED EQUIPMENT. ANY PROPOSED GROUND MOUNTED EQUIPMENT SHOULD BE PLACED AS FOLLOWS:

1. IN A MANNER TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE PUBLIC TRAVEL OR SAFETY ON THE RIGHTS-OF WAY;
2. TO MAXIMIZE THE LINE OF SIGHT REQUIRED TO ADD TO SAFE TRAVEL OF VEHICULAR AND PEDESTRIAN TRAFFIC AND MAXIMIZE THAT LINE OF SIGHT AT STREET CORNERS AND INTERSECTIONS AND MINIMIZE HAZARDS AT THOSE LOCATIONS; AND
3. THE TOWN MAY DENY A REQUEST THAT NEGATIVELY IMPACTS VEHICULAR AND/OR PEDESTRIAN SAFETY.

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

1. EQUIPMENT MUST BE INSTALLED AS FLUSH TO THE POLE AS POSSIBLE;
2. EQUIPMENT ATTACHED TO METAL POLES MUST USE STAINLESS STEEL BANDING STRAPS, IN A COLOR TO MATCH THE COLOR OF THE POLE;
3. EQUIPMENT ATTACHED TO WOOD POLES MAY BE BOLTED TO THE POLE (THROUGH BOLTING OR LAG BOLTS ARE PROHIBITED) OR INSTALLED USING STAINLESS STEEL BANDING STRAPS;
4. ALL EQUIPMENT SHALL BE LOCATED AS CLOSE TOGETHER AS TECHNICALLY POSSIBLE AND IF POSSIBLE, ON THE SAME SIDE OF THE POLE;
5. ALL EQUIPMENT OTHER THAN THE ANTENNA(S), ELECTRIC METER AND DISCONNECT SWITCH MUST BE CONCEALED WITHIN AN EQUIPMENT CABINET, WHICH MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE; AND
6. EQUIPMENT CABINETS SHOULD BE MOUNTED AS FLUSH TO THE POLE AS POSSIBLE, AND MUST BE NON-REFLECTIVE, COLORED TO MATCH THE EXISTING POLE, IF ATTACHED TO A METAL POLE, AND IN THE COLOR OF STAINLESS ~~BRUSHED~~ STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.

- H. ELECTRIC METER. THE TOWN STRONGLY ENCOURAGES THE USE OF FLAT-RATE ELECTRIC SERVICE WHEN IT WOULD ELIMINATE THE NEED FOR A METER. WHEN A METER IS NECESSARY, METERS SHALL BE THE SMALLEST AND LEAST VISUALLY INTRUSIVE ELECTRIC METER AVAILABLE, AND IF PERMITTED BY THE ELECTRIC SERVICE PROVIDER, SHALL BE PAINTED TO MATCH THE METAL POLE, OR IN THE COLOR OF STAINLESS STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.
- I. TELEPHONE/FIBER OPTIC UTILITIES. CABINETS FOR TELEPHONE AND/OR FIBER OPTIC UTILITIES MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE, AND MUST BE PAINTED, WRAPPED OR OTHERWISE COLORED TO MATCH THE POLE. MICROWAVE OR OTHER WIRELESS BACKHAUL IS DISCOURAGED WHEN IT WOULD INVOLVE A SEPARATE AND UNCONCEALED ANTENNA.

SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

UNDERGROUNDED EQUIPMENT VAULTS. EQUIPMENT IN AN ENVIRONMENTALLY CONTROLLED UNDERGROUND VAULT MAY BE REQUIRED BY THE TOWN IN SOME AREAS WHERE TECHNOLOGICALLY FEASIBLE AND APPROPRIATE FOR THE LOCATION.

SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1) NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK AND, EXCEPT FOR COMPELLING REASON, WILL NOT APPROVE MORE THAN ONE PER 250 FEET ON EACH SIDE OF THE STREET TO MINIMIZE THE HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.
 - 1. ALIGNMENT WITH OTHER POLES. THE CENTERLINE OF ANY NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE MUST BE ALIGNED, AS MUCH AS POSSIBLE, WITH THE CENTERLINES OF EXISTING POLES ON THE SAME STREET SEGMENT, BUT ONLY IF THE NEW STRUCTURE'S HEIGHT DOES NOT CONFLICT WITH OVERHEAD UTILITY LINES AND FACILITIES;

2. GENERAL RESTRICTIONS ON NEW WOOD POLES. IN ALL LOCATIONS, THE TOWN RESERVES THE RIGHT TO REQUIRE A METAL POLE RATHER THAN A WOOD POLE BASED ON THE BUILD AND/OR NATURAL ENVIRONMENTAL CHARACTER OF THE PROPOSED LOCATION.
3. WOOD POLE FOOTINGS AND FOUNDATIONS. ALL NEW WOOD POLES MUST BE DIRECT BURIED TO A DEPTH DETERMINED, STAMPED, SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED BY THE STATE OF MARYLAND, AND SUBJECT TO THE TOWN'S REVIEW AND APPROVAL;
4. METAL POLE MATERIAL. ALL METAL POLES MUST BE CONSTRUCTED FROM HOT-DIP GALVANIZED STEEL OR OTHER CORROSION-RESISTANT MATERIALS APPROVED BY THE TOWN AND FINISHED IN ACCORDANCE WITH THESE GUIDELINES TO AVOID RUST STAINS ON ADJACENT SIDEWALKS, BUILDINGS OR OTHER IMPROVEMENTS;
5. METAL POLE FINISH. METAL POLES MUST BE PAINTED BLACK. THE APPLICANT MAY SELECT A PAINT OR POWDER COAT SYSTEM IN COMPLIANCE WITH ATSM STANDARDS; AND
6. LIGHTING, PLANTERS, FLAGS, BANNERS, DIRECTIONAL SIGN BRACKETS. THE TOWN MAY REQUIRE THE APPLICANT TO INSTALL FUNCTIONAL STREETLIGHTS AND/OR BRACKETS TO HOLD HANGING FLOWER PLANTERS, FLAGS AND/OR BANNERS AND DIRECTIONAL SIGN BRACKETS WHEN TECHNICALLY FEASIBLE AND THE TOWN DETERMINES THAT SUCH ADDITIONS WILL ENHANCE THE OVERALL APPEARANCE AND USEFULNESS OF THE PROPOSED FACILITY. THE TOWN MAY UTILIZE THE BRACKETS, FLAGS AND BANNERS.

B. EXEMPTIONS.

1. AN EXEMPTION MAY BE GRANTED IF THE APPLICANT CAN DEMONSTRATE THAT THIS RESTRICTION HAS THE EFFECT OF PREVENTING WIRELESS SERVICE TO THIS LOCATION; AND
2. IF MULTIPLE REQUESTS ARE RECEIVED TO INSTALL TWO (2) OR MORE POLES THAT WOULD VIOLATE THE SPACING REQUIREMENT OR TO COLLOCATE TWO (2) OR MORE SMALL WIRELESS TELECOMMUNICATIONS FACILITIES ON THE SAME

SUPPORT STRUCTURE, PRIORITY WILL BE GIVEN TO THE FIRST REQUEST RECEIVED THAT MEETS THESE GUIDELINES.

SECTION 74-10. TOWN-OWNED WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. REQUIRED LOAD ANALYSIS. INSTALLATIONS ON ALL TOWN-OWNED POLES SHALL HAVE AN INDUSTRY STANDARD POLE LOAD ANALYSIS COMPLETED, SEALED, AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED IN THE STATE OF MARYLAND AND SUBMITTED TO THE TOWN WITH EACH PERMIT APPLICATION INDICATING THAT THE TOWN-OWNED POLE TO WHICH THE SMALL WIRELESS TELECOMMUNICATIONS FACILITY WILL BE ATTACHED WILL SAFELY SUPPORT THE LOAD; AND
- B. INSTALLATIONS ON SIGN POLES. INSTALLATIONS ON SIGN POLES MAY ONLY OCCUR IF THE SIGN POLE IS FIFTEEN (15) FEET OR TALLER, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER CAN DEMONSTRATE TO THE TOWN MANAGER'S SATISFACTION THAT THE FACILITIES CAN BE INTEGRATED IN A MANNER WHICH COMPLIMENTS OR ENHANCES THE AREA IN WHICH THE SIGN POLE IS TO BE INSTALLED.

SECTION 74-11. UNDERGROUNDING REQUIREMENTS.

THE TOWN MAY DENY PERMIT APPLICATIONS, OR REQUIRE AN ALTERNATE LOCATION, TO INSTALL STRUCTURES AND FACILITIES IN THE RIGHT-OF-WAY OR UTILITY EASEMENTS WHERE UTILITIES HAVE BEEN REQUIRED TO BE INSTALLED UNDERGROUND. THE APPLICANT MAY REQUEST A WAIVER IF THE WIRELESS SERVICE PROVIDER IS UNABLE TO ACHIEVE ITS SERVICE OBJECTIVE USING A LOCATION IN THE RIGHT-OF-WAY WHERE UTILITIES ARE NOT UNDERGROUND OR IN A UTILITY EASEMENT WHERE THE WIRELESS SERVICE PROVIDER HAS THE RIGHT TO ACCESS, OR IN ~~OR ON~~ OTHER SUITABLE LOCATIONS OR STRUCTURES MADE AVAILABLE BY THE TOWN.

SECTION 74-12. GENERAL PROVISIONS.

- A. TREE MAINTENANCE. THE WIRELESS INFRASTRUCTURE OR SERVICE PROVIDER, ITS CONTRACTORS, AND AGENTS SHALL OBTAIN WRITTEN PERMISSION AND NOTIFY THE TOWN, AS FOLLOWS:
 - 1. FROM THE TOWN BEFORE TRIMMING TREES IN THE RIGHT-OF-WAY; AND

2. FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.

- B. GRAFFITI ABATEMENT. AS SOON AS PRACTICAL, BUT NOT LATER THAN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF NOTICE, THE PROVIDER SHALL REMOVE ALL GRAFFITI ON ANY OF ITS FACILITIES, EQUIPMENT OR STRUCTURES. THE TOWN MAY AGREE TO AN EXTENSION OF TIME IF THE PROVIDER DEMONSTRATES THE NEED TO ORDER REPLACEMENT EQUIPMENT.
- C. MINOR TECHNICAL EXCEPTIONS. THE TOWN RECOGNIZES THAT IN SOME CIRCUMSTANCES STRICT COMPLIANCE WITH THESE GUIDELINES MAY RESULT IN UNDESIRABLE AESTHETIC OUTCOMES AND THAT MINOR DEVIATIONS SHOULD BE GRANTED WHEN THE NEED FOR SUCH DEVIATIONS ARISES FROM CIRCUMSTANCES OUTSIDE OF THE APPLICANT'S CONTROL.
- D. WAIVERS. IN THE EVENT THAT ANY APPLICANT ASSERTS THAT STRICT COMPLIANCE WITH ANY PROVISIONS IN THESE GUIDELINES, AS APPLIED TO A SPECIFIC PROPOSED FACILITY, WOULD EFFECTIVELY PROHIBIT THE ESTABLISHMENT OF WIRELESS SERVICE TO A LOCATION, THE TOWN MAY GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

SECTION 2. AND BE IT FURTHER ENACTED that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 3. AND BE IT FURTHER ENACTED that this Ordinance shall take effect twenty calendar days after passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS indicate matter added to existing law.

Content in **red** indicates matter added to introduced ordinance.

~~Strike throughs~~ indicate matter deleted from introduced ordinance.

COUNCIL OF THE TOWN OF RIVERDALE PARK

Revised Ordinance 2019-OR-06

Introduced By: CM Christopher Henry

Date Introduced: September 9, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

FOR the purpose of providing certain design guidelines relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way, consistent with federal and state law; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

BY adding
Chapter 74, Wireless Telecommunications Facilities Design Guidelines
Sections 74-1 through 74-12, of the Code of the Town of Riverdale Park,
inclusive

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide design guidelines for the installation of wireless telecommunications facilities in the Town's rights-of-way that is consistent with federal and State law; Now therefore,

Key:
CAPS: Indicate matter added to existing law.

SECTION 1. BE IT ENACTED, BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that Chapter 74, “Wireless Telecommunications Facilities Design Guidelines”, consisting of Sections 74-1 through 74-12, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 73 of the Code and to read as follows:

**CHAPTER 74, WIRELESS TELECOMMUNICATIONS FACILITIES
DESIGN GUIDELINES**

SECTION 74-1. PURPOSE.

THE PURPOSE OF THESE GUIDELINES IS TO ESTABLISH GENERAL PROCEDURES AND STANDARDS, CONSISTENT WITH ALL APPLICABLE COUNTY, FEDERAL, AND STATE LAWS, FOR THE SITING, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, RELOCATION, OPERATION, AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (“FACILITIES”) WITHIN THE TOWN OF RIVERDALE PARK’S (“TOWN”) RIGHTS-OF-WAY. THE GOALS OF THESE GUIDELINES ARE TO:

- A. PROVIDE STANDARDS, TECHNICAL CRITERIA, AND DETAILS FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE TOWN’S RIGHTS-OF-WAY TO BE UNIFORMLY APPLIED TO ALL APPLICANTS AND OWNERS OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES OR SUPPORT STRUCTURES FOR SUCH FACILITIES;
- B. ENHANCE THE ABILITY OF WIRELESS TELECOMMUNICATIONS CARRIERS TO DEPLOY SMALL WIRELESS TECHNOLOGY IN THE TOWN QUICKLY, EFFECTIVELY, AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES, AND VISITORS BENEFIT FROM EXTENSIVE AND ROBUST WIRELESS SERVICE AVAILABILITY;
- C. PRESERVE THE CHARACTER OF THE TOWN’S NEIGHBORHOODS AND CORRIDORS, BY LIMITING VISUAL BLIGHT;
- D. ENSURE THAT SMALL WIRELESS TELECOMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES CONFORM WITH ALL APPLICABLE HEALTH AND SAFETY REGULATIONS AND WILL BLEND INTO THEIR ENVIRONMENT TO THE GREATEST EXTENT POSSIBLE; AND
- E. COMPLY WITH, AND NOT CONFLICT WITH, ALL APPLICABLE COUNTY, STATE, AND FEDERAL LAWS.

SECTION 74-2. DEFINITIONS.

DEFINITIONS FOR THESE GUIDELINES ARE THOSE AS DEFINED IN CHAPTER 73 OF THE TOWN CODE.

SECTION 74-3. REQUIREMENT TO COMPLY.

PLACEMENT, MODIFICATION, OPERATION, RELOCATION, AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS AND WIRELESS SUPPORT STRUCTURES SHALL COMPLY WITH CHAPTER 73 OF THE CODE OF THE TOWN OF RIVERDALE PARK AND ALL OTHER APPLICABLE TOWN, COUNTY, STATE AND FEDERAL LAWS. ALL PERMITS MUST BE IN COMPLIANCE AT THE TIME OF PERMIT APPROVAL AND AS MAY BE AMENDED FROM TIME TO TIME, AS NECESSARY.

SECTION 74-4. CONCEALMENT OF FACILITIES AND RELATED EQUIPMENT.

A. CONCEALMENT PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT ALL FACILITIES, SUPPORT STRUCTURES, AND RELATED EQUIPMENT INCORPORATE SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, SUCH AS:

1. INTEGRATED POLES. THE USE OF "SMART POLES," OR THOSE OF A SIMILAR TYPE, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING LIGHT, STREET, OR OTHER MUNICIPAL POLES TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ENHANCED AESTHETIC VALUE. THESE POLES ARE INTENDED TO BLEND INTO THE ENVIRONMENT AND INTEGRATE THE TELECOMMUNICATIONS EQUIPMENT INTERNALLY.
2. STREET/DIRECTIONAL SIGNS. THE USE OF STREET AND/OR DIRECTIONAL SIGNS, WHERE PRACTICAL, TO CONCEAL CERTAIN EQUIPMENT, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING STREET OR DIRECTIONAL SIGNS TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ENHANCED AESTHETIC VALUE.
3. EQUIPMENT ENCLOSURES. EQUIPMENT ENCLOSURES, INCLUDING ELECTRIC METERS, SHALL BE AS SMALL AS POSSIBLE. GROUND-MOUNTED EQUIPMENT CONCEALMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, LANDSCAPING, STRATEGIC PLACEMENT IN LESS OBTRUSIVE LOCATIONS AND PLACEMENT WITHIN EXISTING OR REPLACEMENT STREET FURNITURE OR OTHER DECORATIVE ELEMENTS.

4. LANDSCAPING. LANDSCAPE SCREENING SHALL BE PROVIDED AND MAINTAINED AROUND GROUND MOUNTED EQUIPMENT ENCLOSURES. THE PLANTING QUANTITY AND SIZE SHOULD BE SUCH THAT 100% SCREENING IS ACHIEVED WITHIN TWO YEARS AFTER INSTALLATION. THE TOWN MANAGER, OR DESIGNEE, MAY GRANT AN EXEMPTION FROM THIS LANDSCAPING REQUIREMENT BASED ON THE CHARACTERISTICS OF THE SPECIFIC LOCATION FOR THE EQUIPMENT ENCLOSURE. TREE "TOPPING" OR THE IMPROPER PRUNING OF TREES IS PROHIBITED. ANY PROPOSED PRUNING OR REMOVAL OF TREES, SHRUBS, OR OTHER LANDSCAPING ALREADY EXISTING IN THE RIGHT-OF-WAY MUST BE NOTED IN THE APPLICATION AND MUST BE APPROVED BY THE TOWN MANAGER OR DESIGNEE.

WHEN UNDERGROUND VAULTS ARE PROPOSED, THEY SHALL BE LOCATED TO MINIMIZE DISRUPTION TO THE PLACEMENT OF STREET TREES. ADEQUATE PLANTING DEPTH SHALL BE PROVIDED BETWEEN THE TOP OF THE VAULT AND THE FINISHED GRADE TO ALLOW PLANTS TO GROW IN A HEALTHY CONDITION.

SECTION 74-5. LOCATIONS OF FACILITIES AND RELATED EQUIPMENT.

- A. COLLOCATION PREFERENCE. WHENEVER AN APPLICANT PROPOSES TO PLACE A NEW WIRELESS SUPPORT STRUCTURE WITH A SMALL WIRELESS TELECOMMUNICATIONS FACILITY WITHIN 250 FEET FROM AN EXISTING WIRELESS SUPPORT STRUCTURE, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL EITHER COLLOCATE WITH THE EXISTING FACILITY OR DEMONSTRATE THAT A COLLOCATION IS EITHER NOT TECHNICALLY FEASIBLE OR SPACE ON THE EXISTING FACILITY IS NOT PRACTICABLY AVAILABLE.
- B. MOST PREFERABLE LOCATIONS. THE FOLLOWING LOCATIONS ARE PREFERRED WHEN NOT ADJACENT TO A PARK, RESIDENTIAL AREA, HISTORIC DISTRICT, OR AREAS SUBJECT TO ENHANCED DESIGN REVIEW.
 1. INDUSTRIAL AREAS; AND
 2. COMMERCIAL AREAS ADJACENT TO HIGHWAYS, EXCEPT WHEN THOSE AREAS ARE SUBJECT TO ENHANCED DESIGN REVIEW.

C. LEAST PREFERABLE LOCATIONS.

1. RESIDENTIAL AREAS;
2. PARKS;
3. HISTORIC DISTRICTS; AND
4. AREAS SUBJECT TO ENHANCED DESIGN REVIEW.

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

THE FOLLOWING LIST INDICATES THE ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES.

1. EXISTING UTILITY POLES. IT IS THE TOWN'S PREFERENCE THAT FACILITIES BE INSTALLED ON EXISTING UTILITY POLES OR EXISTING LINES BETWEEN EXISTING POLES.
2. NON-ORNAMENTAL SERVICE POLES. IF THE WIRELESS INFRASTRUCTURE PROVIDER CANNOT PRACTICABLY OBTAIN THE RIGHT TO USE EXISTING UTILITY POLES OR LINES, THE TOWN PREFERS NON-ORNAMENTAL SERVICE POLES AS THE NEXT OPTION.
3. NEW POLES. IF THE FIRST TWO ALTERNATIVES HAVE PROVEN TO BE NOT PRACTICABLE OPTIONS, THE TOWN PREFERS THE INSTALLATION OF A NEW POLE.
4. ORNAMENTAL MUNICIPAL POLES. THE USE OF ORNAMENTAL MUNICIPAL STREET LIGHTS AND SIGN POLES AS WIRELESS SUPPORT STRUCTURES IS DISCOURAGED. THESE SHOULD ONLY BE PROPOSED IF THE THREE ALTERNATIVES LISTED ABOVE ARE NOT PRACTICABLE, OR WHEN REQUESTED BY THE TOWN BASED ON THE PROPOSED LOCATION, IF THE WIRELESS INFRASTRUCTURE PROVIDER DEMONSTRATES THAT EXEMPLARY DESIGN CAN BE ACHIEVED THROUGH INSTALLATION OF AN ORNAMENTAL POLE WITH INTEGRATED ANTENNAS THAT ARE CONCEALED, TO CONFORM TO OR ENHANCE EXISTING INFRASTRUCTURE.

SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.

A. THE TOWN RESERVES THE RIGHT TO PROPOSE AN ALTERNATE WIRELESS SUPPORT STRUCTURE AND/OR LOCATION TO THE ONE PROPOSED IN THE APPLICATION, AS FOLLOWS:

1. THE PROPOSED ALTERNATE LOCATION FOR A SUPPORT STRUCTURE MAY BE WITHIN 100 FEET OF THE PROPOSED LOCATION OR WITHIN A DISTANCE THAT IS EQUIVALENT TO THE WIDTH OF THE RIGHT OF WAY IN OR ON WHICH THE WIRELESS SUPPORT STRUCTURE IS PROPOSED, WHICHEVER IS GREATER; AND
2. IF AN APPLICATION PROPOSES TO INSTALL FACILITIES THAT CONFLICT WITH SPACE DESIGNATED FOR FUTURE PUBLIC IMPROVEMENTS WHICH ARE DOCUMENTED IN AN APPROVED PLAN IN PLACE AT THE TIME OF THE APPLICATION THE APPLICATION MAY BE DENIED OR AN ALTERNATE LOCATION PROPOSED, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER AND/OR WIRELESS SERVICE PROVIDER AGREE AS PART OF THE APPLICATION TO RELOCATE OR REINSTALL THE WIRELESS SUPPORT STRUCTURE IN A MANNER WHICH IS CONSISTENT WITH THE APPROVED PLAN AT THE TIME THE PUBLIC IMPROVEMENTS ARE INSTALLED.

SECTION 74-7. PLACEMENT OF FACILITIES AND RELATED EQUIPMENT.

A. GENERALLY, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL CONSTRUCT AND MAINTAIN FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT IN A MANNER THAT DOES NOT:

1. OBSTRUCT, IMPEDE, OR HINDER PUBLIC TRAVEL OR SAFETY ON RIGHTS-OF-WAY;
2. OBSTRUCT THE LEGAL USE OF RIGHTS-OF-WAY BY OTHER UTILITY PROVIDERS;
3. VIOLATE NONDISCRIMINATORY APPLICABLE CODES;
4. VIOLATE OR CONFLICT WITH THE CODE OF THE TOWN OF RIVERDALE PARK, OR OTHER APPLICABLE LAWS; AND
5. VIOLATE THE FEDERAL AMERICANS WITH DISABILITIES ACT OR COMPARABLE MARYLAND LAW.

- B. THE TOWN DESIRES TO IMPROVE AESTHETICS AROUND TOWN AND TO PROMOTE CLEANLY ORGANIZED AND STREAMLINED FACILITIES USING THE LEAST INTRUSIVE MEANS TO PROVIDE WIRELESS SERVICES TO THE COMMUNITY, AS FOLLOWS:
1. GENERALLY, FACILITIES SHALL MATCH AND BE CONSISTENT WITH THE MATERIALS AND FINISH OF THE MUNICIPAL POLES IN THE SURROUNDING AREA ADJACENT TO THEIR LOCATION;
 2. IN THE ABSENCE OF ADJACENT MUNICIPAL POLES, SUPPORT STRUCTURES SHALL, AT A MINIMUM, MATCH THE MATERIALS AND FINISH OF ADJACENT UTILITY POLES; AND
 3. IN AREAS WITH MIXED STYLES OF MUNICIPAL POLES, THE HIGHEST QUALITY OF POLES SHALL BE PROVIDED.
- C. ANTENNAS ON EXISTING OR REPLACED UTILITY POLES. ANTENNAS ASSOCIATED WITH COLLOCATION ON EXISTING OR REPLACEMENT POLES MUST BE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND THESE GUIDELINES.
- D. SERVICE LINES. ALL SERVICE LINES MUST BE UNDERGROUNDED WHENEVER PRACTICABLE TO AVOID ADDITIONAL OVERHEAD LINES. FOR HOLLOW POLES, UNDERGROUNDED CABLES AND WIRES MUST TRANSITION DIRECTLY INTO THE POLE BASE WITHOUT ANY EXTERNAL JUNCTION BOX. ON WOOD POLES, ALL ABOVE-GROUND WIRES, CABLES, AND CONNECTIONS SHALL BE ENCASED IN THE SMALLEST SECTION OR SMALLEST DIAMETER PVC CHANNEL, CONDUIT, U-GUARD, OR SHROUD PRACTICABLE, WITH A MAXIMUM DIMENSION OF 4" DIAMETER. SUCH CONDUIT SHALL BE FINISHED IN ZINC, ALUMINUM OR STAINLESS STEEL, OR COLORED TO MATCH OR EXCEED THE QUALITY OF EXISTING ENCASEMENTS.
- E. SPOOLED OR COILED CABLES. TO REDUCE CLUTTER AND DETER VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES SHALL NOT BE SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE OR CABINET.
- F. GROUND MOUNTED EQUIPMENT. ANY PROPOSED GROUND MOUNTED EQUIPMENT SHOULD BE PLACED AS FOLLOWS:
1. IN A MANNER TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE PUBLIC TRAVEL OR SAFETY ON THE RIGHTS-OF WAY;

2. TO MAXIMIZE THE LINE OF SIGHT REQUIRED TO ADD TO SAFE TRAVEL OF VEHICULAR AND PEDESTRIAN TRAFFIC AND MAXIMIZE THAT LINE OF SIGHT AT STREET CORNERS AND INTERSECTIONS AND MINIMIZE HAZARDS AT THOSE LOCATIONS; AND
3. THE TOWN MAY DENY A REQUEST THAT NEGATIVELY IMPACTS VEHICULAR AND/OR PEDESTRIAN SAFETY.

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

1. EQUIPMENT MUST BE INSTALLED AS FLUSH TO THE POLE AS POSSIBLE;
2. EQUIPMENT ATTACHED TO METAL POLES MUST USE STAINLESS STEEL BANDING STRAPS, IN A COLOR TO MATCH THE COLOR OF THE POLE;
3. EQUIPMENT ATTACHED TO WOOD POLES MAY BE BOLTED TO THE POLE (THROUGH BOLTING OR LAG BOLTS ARE PROHIBITED) OR INSTALLED USING STAINLESS STEEL BANDING STRAPS;
4. ALL EQUIPMENT SHALL BE LOCATED AS CLOSE TOGETHER AS TECHNICALLY POSSIBLE AND IF POSSIBLE, ON THE SAME SIDE OF THE POLE;
5. ALL EQUIPMENT OTHER THAN THE ANTENNA(S), ELECTRIC METER AND DISCONNECT SWITCH MUST BE CONCEALED WITHIN AN EQUIPMENT CABINET, WHICH MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE; AND
6. EQUIPMENT CABINETS SHOULD BE MOUNTED AS FLUSH TO THE POLE AS POSSIBLE, AND MUST BE NON-REFLECTIVE, COLORED TO MATCH THE EXISTING POLE, IF ATTACHED TO A METAL POLE, AND IN THE COLOR OF STAINLESS STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.

- H. ELECTRIC METER. THE TOWN STRONGLY ENCOURAGES THE USE OF FLAT-RATE ELECTRIC SERVICE WHEN IT WOULD ELIMINATE THE NEED FOR A METER. WHEN A METER IS NECESSARY, METERS SHALL BE THE SMALLEST AND LEAST VISUALLY INTRUSIVE ELECTRIC METER

AVAILABLE, AND IF PERMITTED BY THE ELECTRIC SERVICE PROVIDER, SHALL BE PAINTED TO MATCH THE METAL POLE, OR IN THE COLOR OF STAINLESS STEEL, BRUSHED ALUMINUM, OR BRUSHED NICKEL IF ATTACHED TO A WOOD POLE.

- I. TELEPHONE/FIBER OPTIC UTILITIES. CABINETS FOR TELEPHONE AND/OR FIBER OPTIC UTILITIES MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE, AND MUST BE PAINTED, WRAPPED OR OTHERWISE COLORED TO MATCH THE POLE. MICROWAVE OR OTHER WIRELESS BACKHAUL IS DISCOURAGED WHEN IT WOULD INVOLVE A SEPARATE AND UNCONCEALED ANTENNA.

SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

UNDERGROUNDED EQUIPMENT VAULTS. EQUIPMENT IN AN ENVIRONMENTALLY CONTROLLED UNDERGROUND VAULT MAY BE REQUIRED BY THE TOWN IN SOME AREAS WHERE TECHNOLOGICALLY FEASIBLE AND APPROPRIATE FOR THE LOCATION.

SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1) NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK AND, EXCEPT FOR COMPELLING REASONS, WILL NOT APPROVE MORE THAN ONE PER 250 FEET ON EACH SIDE OF THE STREET TO MINIMIZE THE HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.
 1. ALIGNMENT WITH OTHER POLES. THE CENTERLINE OF ANY NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE MUST BE ALIGNED, AS MUCH AS POSSIBLE, WITH THE CENTERLINES OF EXISTING POLES ON THE SAME STREET SEGMENT, BUT ONLY IF THE NEW STRUCTURE'S HEIGHT DOES NOT CONFLICT WITH OVERHEAD UTILITY LINES AND FACILITIES;
 2. GENERAL RESTRICTIONS ON NEW WOOD POLES. IN ALL LOCATIONS, THE TOWN RESERVES THE RIGHT TO REQUIRE A METAL POLE RATHER THAN A WOOD POLE BASED ON THE

BUILD AND/OR NATURAL ENVIRONMENTAL CHARACTER OF THE PROPOSED LOCATION.

3. WOOD POLE FOOTINGS AND FOUNDATIONS. ALL NEW WOOD POLES MUST BE DIRECT BURIED TO A DEPTH DETERMINED, STAMPED, SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED BY THE STATE OF MARYLAND, AND SUBJECT TO THE TOWN'S REVIEW AND APPROVAL;
4. METAL POLE MATERIAL. ALL METAL POLES MUST BE CONSTRUCTED FROM HOT-DIP GALVANIZED STEEL OR OTHER CORROSION-RESISTANT MATERIALS APPROVED BY THE TOWN AND FINISHED IN ACCORDANCE WITH THESE GUIDELINES TO AVOID RUST STAINS ON ADJACENT SIDEWALKS, BUILDINGS OR OTHER IMPROVEMENTS;
5. METAL POLE FINISH. METAL POLES MUST BE PAINTED BLACK. THE APPLICANT MAY SELECT A PAINT OR POWDER COAT SYSTEM IN COMPLIANCE WITH ATSM STANDARDS; AND
6. LIGHTING, PLANTERS, FLAGS, BANNERS, DIRECTIONAL SIGN BRACKETS. THE TOWN MAY REQUIRE THE APPLICANT TO INSTALL FUNCTIONAL STREETLIGHTS AND/OR BRACKETS TO HOLD HANGING FLOWER PLANTERS, FLAGS AND/OR BANNERS AND DIRECTIONAL SIGN BRACKETS WHEN TECHNICALLY FEASIBLE AND THE TOWN DETERMINES THAT SUCH ADDITIONS WILL ENHANCE THE OVERALL APPEARANCE AND USEFULNESS OF THE PROPOSED FACILITY. THE TOWN MAY UTILIZE THE BRACKETS, FLAGS AND BANNERS.

B. EXEMPTIONS.

1. AN EXEMPTION MAY BE GRANTED IF THE APPLICANT CAN DEMONSTRATE THAT THIS RESTRICTION HAS THE EFFECT OF PREVENTING WIRELESS SERVICE TO THIS LOCATION; AND
2. IF MULTIPLE REQUESTS ARE RECEIVED TO INSTALL TWO (2) OR MORE POLES THAT WOULD VIOLATE THE SPACING REQUIREMENT OR TO COLLOCATE TWO (2) OR MORE SMALL WIRELESS TELECOMMUNICATIONS FACILITIES ON THE SAME SUPPORT STRUCTURE, PRIORITY WILL BE GIVEN TO THE FIRST REQUEST RECEIVED THAT MEETS THESE GUIDELINES.

SECTION 74-10. TOWN-OWNED WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. REQUIRED LOAD ANALYSIS. INSTALLATIONS ON ALL TOWN-OWNED POLES SHALL HAVE AN INDUSTRY STANDARD POLE LOAD ANALYSIS COMPLETED, SEALED, AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED IN THE STATE OF MARYLAND AND SUBMITTED TO THE TOWN WITH EACH PERMIT APPLICATION INDICATING THAT THE TOWN-OWNED POLE TO WHICH THE SMALL WIRELESS TELECOMMUNICATIONS FACILITY WILL BE ATTACHED WILL SAFELY SUPPORT THE LOAD; AND
- B. INSTALLATIONS ON SIGN POLES. INSTALLATIONS ON SIGN POLES MAY ONLY OCCUR IF THE SIGN POLE IS FIFTEEN (15) FEET OR TALLER, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER CAN DEMONSTRATE TO THE TOWN MANAGER'S SATISFACTION THAT THE FACILITIES CAN BE INTEGRATED IN A MANNER WHICH COMPLIMENTS OR ENHANCES THE AREA IN WHICH THE SIGN POLE IS TO BE INSTALLED.

SECTION 74-11. UNDERGROUNDING REQUIREMENTS.

THE TOWN MAY DENY PERMIT APPLICATIONS, OR REQUIRE AN ALTERNATE LOCATION, TO INSTALL STRUCTURES AND FACILITIES IN THE RIGHT-OF-WAY OR UTILITY EASEMENTS WHERE UTILITIES HAVE BEEN REQUIRED TO BE INSTALLED UNDERGROUND. THE APPLICANT MAY REQUEST A WAIVER IF THE WIRELESS SERVICE PROVIDER IS UNABLE TO ACHIEVE ITS SERVICE OBJECTIVE USING A LOCATION IN THE RIGHT-OF-WAY WHERE UTILITIES ARE NOT UNDERGROUND OR IN A UTILITY EASEMENT WHERE THE WIRELESS SERVICE PROVIDER HAS THE RIGHT TO ACCESS, OR IN OTHER SUITABLE LOCATIONS OR STRUCTURES MADE AVAILABLE BY THE TOWN.

SECTION 74-12. GENERAL PROVISIONS.

- A. TREE MAINTENANCE. THE WIRELESS INFRASTRUCTURE OR SERVICE PROVIDER, ITS CONTRACTORS, AND AGENTS SHALL OBTAIN WRITTEN PERMISSION AND NOTIFY THE TOWN, AS FOLLOWS:
 - 1. FROM THE TOWN BEFORE TRIMMING TREES IN THE RIGHT-OF-WAY; AND
 - 2. FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.
- B. GRAFFITI ABATEMENT. AS SOON AS PRACTICAL, BUT NOT LATER THAN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF NOTICE, THE

PROVIDER SHALL REMOVE ALL GRAFFITI ON ANY OF ITS FACILITIES, EQUIPMENT OR STRUCTURES. THE TOWN MAY AGREE TO AN EXTENSION OF TIME IF THE PROVIDER DEMONSTRATES THE NEED TO ORDER REPLACEMENT EQUIPMENT.

- C. MINOR TECHNICAL EXCEPTIONS. THE TOWN RECOGNIZES THAT IN SOME CIRCUMSTANCES STRICT COMPLIANCE WITH THESE GUIDELINES MAY RESULT IN UNDESIRABLE AESTHETIC OUTCOMES AND THAT MINOR DEVIATIONS SHOULD BE GRANTED WHEN THE NEED FOR SUCH DEVIATIONS ARISES FROM CIRCUMSTANCES OUTSIDE OF THE APPLICANT'S CONTROL.
- D. WAIVERS. IN THE EVENT THAT ANY APPLICANT ASSERTS THAT STRICT COMPLIANCE WITH ANY PROVISIONS IN THESE GUIDELINES, AS APPLIED TO A SPECIFIC PROPOSED FACILITY, WOULD EFFECTIVELY PROHIBIT THE ESTABLISHMENT OF WIRELESS SERVICE TO A LOCATION, THE TOWN MAY GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

SECTION 2. AND BE IT FURTHER ENACTED that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 3. AND BE IT FURTHER ENACTED that this Ordinance shall take effect twenty calendar days after passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor



Town of Riverdale Park, Maryland

Police Department

TO: John N. Lestitian, Town Manager

FROM: Rosa Guixens, Assistant Chief of Police

CC: Staff Leadership Team

DATE: October 24, 2019

RE: Ordinance 2019-OR-09 regarding Noise Control

Action Requested:

Staff seek input from the Mayor and Council on Ordinance 2019-OR-09 regarding Chapter 49-Noise Control.

Background:

The 2019 Calendar Year Staff Goals include the review and update of various chapters within the Town Code. Chapter 50 – Peace and Good Order has been identified as a chapter requiring review specifically as it relates to Noise Control. Staff recommend that Chapter 50 – Peace and Good Order be repealed and Chapter 49 – Noise Control be added.

Chapter 49 – Noise Control will clearly define:

- maximum allowable noise levels
- measurement of sound
- penalties and enforcement

Chapter 49 – Noise Control is consistent with the Town’s vision and commitment to housing and neighborhoods and will have an overall positive impact on the quality of life for residents.

Staff will be present at the meeting to present highlights of the proposed ordinance and to respond to any questions or concerns.

Attachment:

Proposed Chapter 49 – Noise Control

1 **COUNCIL OF THE TOWN OF RIVERDALE PARK**

2
3 **ORDINANCE 2019-OR-09**

4
5
6 **Introduced By:** CM Marsha Dixon

7
8 **Date Introduced:** October 7, 2019

9
10 **Date Adopted:**

11
12 **Date Effective:**

13
14
15 **AN ORDINANCE** concerning

16
17 **NOISE CONTROL**

18
19 **FOR** the purpose of revising Town laws relating to the control and regulation of excessive
20 noise in the Town of Riverdale Park; providing for certain exemptions and waivers;
21 providing enforcement and penalties for violations; and generally relating to the control
22 of certain noise in the Town of Riverdale Park.

23
24 **BY** repealing

25
26 Chapter 50, PEACE AND GOOD ORDER
27 Section 50-11
28 Code of the Town of Riverdale Park
29 (January 2008 Revision as Supplemented)

30
31 **BY** adding

32
33 Chapter 49, NOISE CONTROL
34 Section 49-1 through 49-10
35 Code of the Town of Riverdale Park
36 (January 2008 Revision as Supplemented)

37
38 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
39 **RIVERDALE PARK**, that Section 50-11 of Chapter 50, PEACE AND GOOD ORDER, of the
40 Code of the Town of Riverdale Park (January 2008 Revision as Supplemented), is repealed.

41
42 **SECTION 2: AND BE IT FURTHER ENACTED** that new Chapter 49, NOISE
43 CONTROL, consisting of Sections 49-1 through 49-10, is hereby added to the Code of the Town

of Riverdale Park (January 2008 Revision as Supplemented), to follow immediately after Section 47-1 of Chapter 47, BURGLAR AND HOLDUP ALARMS, and to read as follows:

CHAPTER 49, NOISE CONTROL

SEC. 49-1. DECLARATION OF POLICY.

THE TOWN COUNCIL FOR RIVERDALE PARK, MARYLAND, HEREBY DECLARES IT TO BE THE PUBLIC POLICY OF THE TOWN THAT EVERY RESIDENT OF THE TOWN IS ENTITLED TO NOISE LEVELS THAT ARE NOT DETRIMENTAL TO HEALTH, SAFETY, OR WELFARE AND THE USE, ENJOYMENT AND PROTECTION OF PROPERTY; AND THE GENERAL INTENT OF THIS CHAPTER IS TO CONTROL NOISE LEVELS THROUGHOUT THE TOWN SO AS TO PROMOTE PUBLIC HEALTH, SAFETY, WELFARE, THE PEACE AND QUIET OF THE INHABITANTS OF THE TOWN.

SEC. 49-2. DEFINITIONS.

(a) FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM IN THIS SECTION:

- (1) **COMMERCIAL** MEANS ANYTHING OTHER THAN A RESIDENTIAL ZONE OR INDUSTRIAL ZONE AS SET FORTH IN SUBTITLE 27 OF THE PRINCE GEORGE'S COUNTY CODE.
- (2) **CONSTRUCTION** MEANS TEMPORARY ACTIVITIES DIRECTLY ASSOCIATED WITH SITE PREPARATION, ASSEMBLY, ERECTION, REPAIR, ALTERATION, OR DEMOLITION OF STRUCTURES OR ROADWAYS.
- (3) **DBA** MEANS DECIBELS OF SOUND, AS DETERMINED BY THE A-WEIGHTING NETWORK OF A SOUND LEVEL METER OR BY CALCULATION FROM OCTAVE BAND OR ONE-THIRD OCTAVE BAND DATA.
- (4) **DAYTIME** MEANS THE HOURS FROM 7 A.M. TO 10 P.M.
- (5) **DECIBEL** MEANS A UNIT OF MEASURE EQUAL TO 10 TIMES THE LOGARITHM TO THE BASE 10 OF THE RATIO OF A PARTICULAR SOUND PRESSURE SQUARED TO THE STANDARD REFERENCE PRESSURE SQUARED. THE STANDARD REFERENCE PRESSURE IS 20 MICROPASCALS.
- (6) **DEPARTMENT** SHALL MEAN THE RIVERDALE PARK POLICE DEPARTMENT.
- (7) **DIRECTOR** MEANS THE RIVERDALE PARK POLICE CHIEF OR THE CHIEF'S

AUTHORIZED DESIGNEE.

- (8) **ENFORCEMENT OFFICER** MEANS AN EMPLOYEE OR OFFICER OF THE DEPARTMENT DESIGNATED BY THE DIRECTOR.
- (9) **INDUSTRIAL ZONE** MEANS ANY PROPERTY THAT HAS BEEN ZONED INDUSTRIAL BY PRINCE GEORGE'S COUNTY.
- (10) **LANDLORD** MEANS THE PERSON WHO MANAGES, LEASES, HOLDS, OR OTHERWISE CONTROLS THE PROPERTY OF AN OWNER.
- (11) **NIGHTTIME** MEANS THE HOURS FROM 10 P.M. TO 7 A.M. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER.
- (12) **NOISE** MEANS SOUND, CREATED OR CONTROLLED BY HUMAN ACTIVITY, FROM ONE OR MORE SOURCES, HEARD BY AN INDIVIDUAL OVER A PERIOD OF TIME.
- (13) **NOISE DISTURBANCE** MEANS ANY NOISE THAT IS:
- (A) OF SUFFICIENT LOUDNESS, CHARACTER, AND DURATION, WHICH, WHETHER FROM A SINGLE SOURCE OR MULTIPLE SOURCES, IS, OR MAY BE PREDICTED WITH REASONABLE CERTAINTY TO BE, INJURIOUS TO HEALTH, COMFORT, QUALITY OF LIFE, OR SAFETY OF ANY INDIVIDUAL OR WHICH UNREASONABLY INTERFERES WITH THE PROPER ENJOYMENT OF PROPERTY OR WITH ANY LAWFUL BUSINESS OR ACTIVITY;
 - (B) UNUSUAL FOR THE TIME OF DAY OR LOCATION WHERE IT IS PRODUCED OR HEARD; OR
 - (C) EXCEEDS THE OBJECTIVE STANDARDS OF THIS CHAPTER.
- (14) **OWNER** MEANS THE PERSON LISTED ON THE TAX RECORDS OF THE TOWN AS THE PROPERTY OWNER.
- (15) **PERSON** MEANS AN INDIVIDUAL, GROUP OF INDIVIDUALS, CORPORATION, FIRM, PARTNERSHIP, OR VOLUNTARY ASSOCIATION; OR A DEPARTMENT, BUREAU, AGENCY, OR INSTRUMENT OF THE TOWN, OR OF ANY OTHER GOVERNMENT TO THE EXTENT ALLOWED BY LAW.
- (16) **PLAINLY AUDIBLE** MEANS ANY SOUND PRODUCED BY A RADIO, TAPE PLAYER, PHONOGRAPH, DISC PLAYER, COMPUTER, LOUD SPEAKER, MICROPHONE OR OTHER MECHANICAL SOUND-MAKING DEVICE OR

INSTRUMENT, INCLUDING AN AMPLIFIED, ACOUSTIC OR PERCUSSIVE INSTRUMENT, WHICH CAN BE CLEARLY HEARD BY A PERSON USING HIS OR HER OWN NORMAL HEARING FACULTIES. ANY ENFORCEMENT OFFICER WHO HEARS A SOUND THAT IS PLAINLY AUDIBLE, AS DEFINED HEREIN, SHALL BE ENTITLED TO MEASURE THE SOUND ACCORDING TO THE FOLLOWING STANDARDS:

- (A) THE PRIMARY MEANS OF DETECTION SHALL BE BY MEANS OF THE ENFORCEMENT OFFICER'S ORDINARY AUDITORY SENSES, SO LONG AS THE OFFICER'S HEARING IS NOT ENHANCED BY ANY MECHANICAL DEVICE, SUCH AS A HEARING AID.
- (B) THE ENFORCEMENT OFFICER NEED NOT DETERMINE THE PARTICULAR WORDS OR PHRASES BEING PRODUCED OR THE NAME OF ANY SONG OR ARTIST PRODUCING THE SOUND. THE DETECTION OF A RHYTHMIC BASS REVERBERATING-TYPE SOUND IS SUFFICIENT TO CONSTITUTE A PLAINLY AUDIBLE SOUND.
- (C) THE ENFORCEMENT OFFICER MUST BE ABLE TO DETERMINE THE SOURCE OR ORIGIN OF THE SOUND WHETHER BY DIRECT LINE OF SIGHT FROM THE AFFECTED RESIDENTIAL PROPERTY OR BY ARTICULATING SUCH OTHER REASONABLE BASIS FOR SUCH DETERMINATION IF THERE IS NO DIRECT LINE OF SIGHT CONFIRMATION OF THE SOURCE OR ORIGIN OF THE SOUND.
- (17) **RECEIVING PROPERTY** MEANS ANY REAL PROPERTY WHERE PEOPLE LIVE OR WORK AND WHERE NOISE IS HEARD, INCLUDING AN APARTMENT, CONDOMINIUM UNIT, OR COOPERATIVE BUILDING UNIT.
- (18) **RESIDENTIAL** MEANS ANY PROPERTY IN A RESIDENTIAL ZONE AS SET FORTH IN SUBTITLE 27 OF THE PRINCE GEORGE'S COUNTY.
- (19) **RECREATIONAL OR ENTERTAINMENT ESTABLISHMENT** IS AN ESTABLISHMENT AS DEFINED IN SECTION 27-107.1(A)(192) OF THE PRINCE GEORGE'S COUNTY CODE.
- (20) **SOUND** MEANS AN AUDITORY SENSATION EVOKED BY THE OSCILLATION OF AIR PRESSURE.
- (21) **SOURCE** MEANS ANY PERSON, INSTALLATION, DEVICE, OR ANIMAL CAUSING OR CONTRIBUTING TO NOISE.

SEC. 49-3. PROHIBITIONS.

(A) MAXIMUM ALLOWABLE NOISE LEVELS.

- (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION OR IN SECTION 49-4, A PERSON MUST NOT CAUSE OR PERMIT NOISE LEVELS THAT EXCEED THE FOLLOWING LEVELS:

MAXIMUM ALLOWABLE NOISE LEVELS (DBA) FOR RECEIVING LAND USE CATEGORIES			
DAY/NIGHT	INDUSTRIAL	COMMERCIAL	RESIDENTIAL
DAY	75	67	65
NIGHT	75	62	55

- (2) SOLELY FOR THE PURPOSE OF SPECIAL EVENTS AUTHORIZED BY A SPECIAL EVENTS PERMIT ISSUED BY THE TOWN FOR AN EVENT HELD IN THE TOWN'S PARKS OR IN COMMERCIAL ZONING DISTRICTS, MAXIMUM NIGHT ALLOWABLE NOISE LEVELS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DO NOT BEGIN TO APPLY UNTIL 11:01 P.M. IN ALL OTHER LOCATIONS IN THE TOWN THE COMMENCEMENT OF MAXIMUM NIGHT ALLOWABLE NOISE LEVELS MAY BE EXTENDED NOT TO EXCEED 11:01 P.M. BY WAIVER GRANTED BY THE TOWN COUNCIL IN ACCORDANCE WITH SECTION 49-5.

- (3) SOUND THAT CROSSES BETWEEN RESIDENTIAL AND NON-RESIDENTIAL AREAS MUST NOT EXCEED THE LEVEL SET IN PARAGRAPH (1) FOR RESIDENTIAL NOISE AREAS.

(B) NOISE DISTURBANCE. A PERSON MUST NOT CAUSE OR PERMIT NOISE THAT CREATES A NOISE DISTURBANCE.

(C) EXAMPLES. THE FOLLOWING EXAMPLES ILLUSTRATE COMMON NOISE-PRODUCING ACTS THAT VIOLATE THIS SECTION IF THEY EXCEED THE NOISE LEVEL STANDARDS SET IN SUBSECTION (A) OR CREATE A NOISE DISTURBANCE. THE EXAMPLES ARE ILLUSTRATIVE ONLY AND DO NOT LIMIT OR EXPAND THE NOISE LEVEL OR NOISE DISTURBANCE STANDARDS OF THIS SECTION:

- (1) SOUNDING A HORN OR OTHER SIGNALING DEVICE ON ANY MOTOR VEHICLE ON PRIVATE PROPERTY EXCEPT:

- (A) IN AN EMERGENCY; OR

(B) AS A DANGER WARNING SIGNAL DURING DAYTIME HOURS IF THE
DEVICE COMPLIES WITH NOISE LEVEL LIMITS.

(2) OPERATING A SOUND-PRODUCING DEVICE ON PUBLIC STREETS FOR
COMMERCIAL ADVERTISING OR TO ATTRACT PUBLIC ATTENTION.

(3) SELLING ANYTHING BY OUTCRY.

(4) LOADING, UNLOADING, OPENING, CLOSING OR OTHERWISE HANDLING
CONTAINERS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR
SIMILAR OBJECTS.

(5) OPERATING A DEVICE THAT PRODUCES, REPRODUCES, OR AMPLIFIES
SOUND.

(6) ALLOWING AN ANIMAL TO CREATE A NOISE DISTURBANCE.

(D) A PERSON MAY NOT PLAY, USE, OPERATE OR PERMIT TO BE PLAYED, USED
OR OPERATED, ANY RADIO, TAPE RECORDER, CASSETTE PLAYER OR OTHER
MACHINE OR DEVICE FOR REPRODUCING SOUND, IF THE SOUND GENERATED
IS PLAINLY AUDIBLE AT A DISTANCE OF FIFTY (50) FEET FROM THE DEVICE
PRODUCING THE SOUND AND IF THE DEVICE IS LOCATED IN OR ON ANY OF
THE FOLLOWING:

(1) ANY PUBLIC PROPERTY, INCLUDING ANY PUBLIC STREET, HIGHWAY,
BUILDING, SIDEWALK, PARK, PARKING LOT OR THOROUGHFARE;

(2) ANY MOTOR VEHICLE ON A PUBLIC STREET, HIGHWAY OR PUBLIC
SPACE; OR

(3) ANY PRIVATE PROPERTY WITHIN THE TOWN'S CORPORATE
BOUNDARY.

(E) A PERSON MANAGING, EMPLOYED AT, OPERATING OR OCCUPYING ANY
LOCATION LICENSED TO SERVE ALCOHOLIC BEVERAGES MAY NOT USE ANY
PORTION OF THE OWNED OR LEASED PROPERTY, INCLUDING ANY COMMON
AREAS APPURTENANT TO A LEASEHOLD, FOR THE OPERATION OR
AMPLIFICATION OF SOUND PRODUCED BY A RADIO, TAPE PLAYER,
PHONOGRAPH, DISC PLAYER, COMPUTER, SPEAKER OR OTHER MECHANICAL
SOUND-MAKING DEVICE OR BY AN INSTRUMENT, INCLUDING AN AMPLIFIED,
ACOUSTIC OR PERCUSSIVE INSTRUMENT, SO THAT THE SOUND OF SUCH
DEVICE IS PLAINLY AUDIBLE EITHER ON A RESIDENTIAL PROPERTY OR AT A
DISTANCE OF ONE HUNDRED (100) FEET FROM THE DEVICE PRODUCING THE
SOUND.

(F) POSSESSION BY A PERSON OR PERSONS OF ANY OF THE MACHINES OR DEVICES ENUMERATED IN SUBSECTIONS (D) AND/OR (E) SHALL BE PRIMA FACIE EVIDENCE THAT PERSON OPERATES, OR THOSE PERSONS OPERATE, THE MACHINE OR DEVICE.

SEC. 49-4. NOISE LEVEL AND NOISE DISTURBANCE STANDARDS FOR CONSTRUCTION.

(A) MAXIMUM ALLOWABLE NOISE LEVELS FOR CONSTRUCTION OR DEMOLITION.

(1) A PERSON MUST NOT CAUSE OR PERMIT NOISE LEVELS FROM CONSTRUCTION OR DEMOLITION ACTIVITY THAT EXCEED THE FOLLOWING LEVELS:

(A) FROM 7 A.M. TO 10 P.M.:

(I) 75 DBA IF THE TOWN HAS NOT APPROVED A NOISE-SUPPRESSION PLAN FOR THE ACTIVITY; OR

(II) 90 DBA IF THE TOWN HAS APPROVED A NOISE-SUPPRESSION PLAN FOR THE ACTIVITY.

(B) THE LEVEL SPECIFIED IN SECTION 49-3(A) AT ALL OTHER TIMES.

(2) CONSTRUCTION NOISE LEVELS MUST BE MEASURED AT THE LOCATION, AT LEAST 50 FEET FROM THE SOURCE, ON A RECEIVING PROPERTY WHERE NOISE FROM THE SOURCE IS GREATEST.

(B) CONSTRUCTION NOISE DISTURBANCE. THE PROHIBITION ON NOISE DISTURBANCE IN SECTION 49-3(B) APPLIES TO CONSTRUCTION ACTIVITIES, NOTWITHSTANDING SUBSECTION (A).

SEC. 49-5. WAIVERS.

(A) UPON WRITTEN REQUEST, THE TOWN COUNCIL MAY WAIVE ANY PART OF THIS CHAPTER FOR A TEMPORARY EVENT IF THE NOISE THE EVENT WILL CREATE OR CAUSE IN EXCESS OF THE LIMITS ESTABLISHED UNDER THIS CHAPTER IS OFFSET BY THE BENEFITS OF THE EVENT TO THE GENERAL PUBLIC. ANY WAIVER GRANTED UNDER THIS SECTION SHALL BE FOR A LIMITED AND FINITE DURATION.

(B) THE TOWN COUNCIL SHALL PROVIDE PUBLIC NOTICE OF A REQUEST FOR A

WAIVER UNDER THIS SECTION BY POSTING SUCH NOTICE ON THE TOWN'S INTERNET WEBSITE, PUBLICATION IN THE TOWN CRIER NEWSLETTER, AND POSTING A SIGN AT THE LOCATION OF THE SOURCE. THE TOWN COUNCIL MAY NOT APPROVE A REQUEST FOR A WAIVER UNDER THIS SECTION UNTIL AT LEAST 10 DAYS AFTER THE INITIAL POSTING OR PUBLICATION OF PUBLIC NOTICE.

(C) THE TOWN COUNCIL MAY GRANT A WAIVER IF THE COUNCIL DETERMINES THAT COMPLIANCE IN A PARTICULAR CASE IS NOT PRACTICABLE AND WOULD IMPOSE UNDUE HARDSHIP.

(D) BEFORE GRANTING A WAIVER THE TOWN COUNCIL SHALL CONSIDER THE USE OF THE PROPERTY FROM WHICH THE NOISE SOURCE WILL EMANATE, THE USES OF ADJOINING AND SURROUNDING PROPERTIES AND THE LIKELY IMPACT OF A WAIVER ON THOSE PROPERTIES, THE TYPE AND ANTICIPATED LEVELS OF THE OF NOISE FOR WHICH THE WAIVER IS REQUESTED, AND THE DURATION AND FREQUENCY OF THE EVENT FOR WHICH THE WAIVER IS REQUESTED.

(E) IF THE TOWN COUNCIL GRANTS A WAIVER THE COUNCIL MAY IMPOSE REASONABLE CONDITIONS TO MITIGATE ANY ADVERSE IMPACT ON ADJOINING AND SURROUNDING PROPERTIES THAT MIGHT BE CAUSED BY THE WAIVER.

(F) THE TOWN COUNCIL, AFTER NOTICE AND OPPORTUNITY TO BE HEARD, MAY SUSPEND, MODIFY, OR REVOKE A WAIVER GRANTED UNDER THIS SECTION IF A PERSON VIOLATES THE TERMS OR CONDITIONS OF THE WAIVER.

SEC. 49-6. EXCEPTIONS.

THE FOLLOWING NOISE GENERATING ACTIVITIES SHALL BE EXEMPT FROM ENFORCEMENT UNDER THIS CHAPTER:

(A) ANY SOUND RESULTING FROM THE EMERGENCY OPERATION OF A PUBLIC SERVICE COMPANY OR ITS CONTRACTORS AS DEFINED IN SECTION 1-101(X), PUBLIC UTILITIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND OR RESULTING FROM EMERGENCY OPERATIONS BY FIRE AND RESCUE SERVICES, AND POLICE AGENCIES;

(B) ANY SOUND RESULTING FROM THE OPERATIONS OF AN INSTRUMENTALITY OF THE FEDERAL, STATE, COUNTY OR TOWN GOVERNMENT, THE BOARD OF EDUCATION, A BI-COUNTY AGENCY, OR OF A MUNICIPALITY;

(C) A SOUND RESULTING FROM THE OPERATION OF AN AIRCRAFT;

- 345
346 (D) AN OUTDOOR EVENT ON PRIVATE PROPERTY FOR WHICH A VALID USE AND
347 OCCUPANCY PERMIT HAS BEEN ISSUED FOR PURPOSES OF SPORTING,
348 RECREATIONAL, ENTERTAINMENT ESTABLISHMENT, OR FOR ANY OTHER
349 EVENT TO WHICH THE PUBLIC IS INVITED;
350
351 (E) AN EVENT OR ACTIVITY WITH A VALIDLY ISSUED PERMIT, LICENSE OR
352 OTHER WRITTEN AUTHORITY WHICH TAKES PLACE ON PROPERTY OWNED BY
353 THE UNITED STATES, THE STATE, THE COUNTY, THE TOWN, THE BOARD OF
354 EDUCATION, A BI-TOWN AGENCY, OR A MUNICIPALITY;
355
356 (F) FARM EQUIPMENT BEING USED ON MORE THAN FIVE (5) ACRES OR OUTSIDE
357 OF ONE HUNDRED (100) FEET OF THE PROPERTY LINE;
358
359 (G) LAWN CARE, SNOW REMOVAL EQUIPMENT AND OTHER HOUSEHOLD TOOLS
360 OR EQUIPMENT WHEN USED AND MAINTAINED IN ACCORDANCE WITH THE
361 MANUFACTURER'S SPECIFICATIONS BETWEEN THE HOURS OF 7:00 A.M. TO
362 10:00 P.M.;
363
364 (H) ANY ACTIVITY CAUSING NOISE IF A VARIANCE FOR SUCH ACTIVITY AND THE
365 NOISE RESULTING THEREFROM HAS BEEN OBTAINED FROM THE
366 ENVIRONMENTAL HEALTH ADMINISTRATION OF THE MARYLAND
367 DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR IS BEING PROCESSED
368 PURSUANT TO THE RULES AND REGULATIONS OF THAT DEPARTMENT. THIS
369 EXCEPTION SHALL APPLY ONLY TO THE EXTENT OF ANY SUCH VARIANCE SO
370 GRANTED OR BEING PROCESSED; OR
371
372 (I) A SOURCE OR CONDITION EXPRESSLY SUBJECT TO ANY STATE OR FEDERAL
373 NOISE-CONTROL LAW OR REGULATION.
374

375 SEC. 49-7. - MEASUREMENT OF SOUND.
376

- 377 (A) THE EQUIPMENT AND TECHNIQUES EMPLOYED IN THE MEASUREMENT OF
378 NOISE LEVELS UNDER THIS CHAPTER MAY BE THOSE RECOMMENDED BY THE
379 MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT, WHICH MAY, BUT
380 NEED NOT, REFER TO CURRENTLY ACCEPTED STANDARDS OR RECOGNIZED
381 ORGANIZATIONS INCLUDING, BUT NOT LIMITED TO, THE AMERICAN
382 NATIONAL STANDARDS INSTITUTE (ANSI), AMERICAN SOCIETY FOR TESTING
383 AND MATERIALS (ASTM), SOCIETY OF AUTOMOTIVE ENGINEERS (SAE), AND
384 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA).
385
386 (B) A VIOLATION OF THIS CHAPTER MAY BE ESTABLISHED BY THE USE OF A
387 COMMERCIALY AVAILABLE NOISE METER THAT COMPLIES WITH ONE OR
388 MORE OF THE STANDARDS LISTED IN SUBSECTION (A).

(C) THE MEASUREMENT OF NOISE LEVELS SHALL BE CONDUCTED AT POINTS ON OR WITHIN THE PROPERTY LINE OF THE RECEIVING PROPERTY OR THE BOUNDARY OF A ZONING DISTRICT, AND MAY BE CONDUCTED AT ANY POINT FOR THE DETERMINATION OF IDENTITY IN MULTIPLE SOURCE SITUATIONS.

(D) THE DETECTION OF SOUND BY AN ENFORCEMENT OFFICER AT A DISTANCE OF FIFTY (50) FEET IS SUFFICIENT TO CONSTITUTE A PLAINLY AUDIBLE SOUND. NO PROVISION OF THIS CHAPTER SHALL BE INTERPRETED TO LIMIT ENFORCEMENT BASED ON A LACK OF EVIDENCE OF A SOUND LEVEL METER READING. EVIDENCE BASED ON THE AUDIBLE IMPRESSIONS FORMED BY AN ENFORCEMENT OFFICER IS EQUALLY SUFFICIENT TO THAT OF A SOUND LEVEL METER READING.

SEC. 49-8. – DETERMINATION OF VIOLATION.

(A) IT WILL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS CHAPTER IF SOUND OR NOISE CAN BE HEARD OR MEASURED AT THE LEVELS DESCRIBED IN SECTION 49-3(A)(1) ABOVE.

(B) WHERE A NOISE SOURCE IS LOCATED IN A BUILDING OR OTHER STRUCTURE, THE OWNER, OCCUPANT, RESIDENT, MANAGER, OR OTHER PERSON IN CHARGE OF THE PREMISES, IF PRESENT, SHALL BE PRESUMED TO HAVE PERMITTED THE NOISE IN THE ABSENCE OF EVIDENCE TO THE CONTRARY.

(C) WHERE PORTABLE NOISE PRODUCING DEVICES SUCH AS RADIOS, TAPE RECORDERS/PLAYERS, COMPACT DISC PLAYERS, STEREOS, ETC., ARE PRESENT IN, OR BEING TRANSPORTED THROUGH, A PUBLIC AREA, STREET, PARK, ETC., EITHER BY A PERSON OR IN A VEHICLE, THE PERSON OR PERSONS IN POSSESSION OF THE DEVICE OR VEHICLE SHALL BE PRESUMED TO HAVE PERMITTED THE NOISE IN THE ABSENCE OF EVIDENCE TO THE CONTRARY.

SEC. 49-9. - ENFORCEMENT AND PENALTIES.

(A) ANY PERSON, WHO, AFTER BEING INSTRUCTED BY AN ENFORCEMENT OFFICER TO CEASE THE NOISE, SHALL ALLOW OR CAUSE A CONTINUED VIOLATION OF THIS CHAPTER SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE NOT EXCEEDING \$100.00 FOR A FIRST OFFENSE, AND \$250.00 FOR EACH SUBSEQUENT OFFENSE. EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(B) AN ENFORCEMENT OFFICER, IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE A VIOLATION OF THIS CHAPTER IS BEING COMMITTED IN HIS OR HER PRESENCE, VIEW, OR HEARING, MAY ISSUE A MUNICIPAL INFRACTION

CITATION TO THE PERSON COMMITTING THE VIOLATION.

SEC. 49-10. - CITATION TO OWNER OR LANDLORD.

(A) AN ENFORCEMENT OFFICER MAY ISSUE AN INFRACTION CITATION TO THE OWNER OR LANDLORD OF THE BUILDING OR PREMISES FROM WHICH NOISE IN VIOLATION OF SECTION 49-3 OF THIS TITLE EMANATES IF MORE THAN THREE CITATIONS HAVE BEEN ISSUED TO AN OCCUPANT, AT ONE ADDRESS, WITHIN A 60-DAY PERIOD.

(B) AN ENFORCEMENT OFFICER MAY ISSUE ADDITIONAL CITATIONS TO THE OWNER OR LANDLORD FOR EACH SUBSEQUENT VIOLATION WITHIN 6 MONTHS AFTER THE INITIAL CITATION WAS ISSUED TO THE OWNER OR LANDLORD.

(C) BEFORE ISSUING A CITATION TO AN OWNER OR LANDLORD, THE ENFORCEMENT OFFICER SHALL SEND BY CERTIFIED MAIL OR HAND DELIVER WRITTEN NOTICE TO THE OWNER OR LANDLORD THAT TWO CITATIONS HAVE BEEN ISSUED TO AN OCCUPANT UNDER SECTION 49-3 OF THIS CHAPTER WITHIN A 60-DAY PERIOD.

SECTION 3: AND BE IT FURTHER ENACTED that this Ordinance shall become effective twenty (20) calendar days after its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

John Lestitian, Town Manager

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to the Ordinance.

~~Strike Out~~ indicates matter deleted from the law or stricken from the Ordinance by amendment.

*** indicate omission of existing text not modified by this Ordinance.



Town of Riverdale Park, Maryland

Police Department

TO: John N. Lestitian, Town Manager

FROM: Rosa Guixens, Assistant Chief of Police

CC: Staff Leadership Team

DATE: October 25, 2019

RE: Ordinance 2019-OR-10 regarding Weapons on Town Property

Action Requested:

Staff seek input from the Mayor and Council on Ordinance 2019-OR-10 regarding weapons on Town-owned property.

Background:

The Riverdale Park Police Department has a policy in place that prohibits weapons in the Police Department building. Staff request that the Mayor and Council take legislative action to codify this policy and extend it to other Town-owned property.

Attachment:

Ordinance 2019-OR-10 regarding Weapons on Town Property

1 **COUNCIL OF THE TOWN OF RIVERDALE PARK**

2
3 **ORDINANCE 2019-OR-10**

4
5
6 **Introduced By:**

7
8 **Date Introduced:**

9
10 **Date Adopted:**

11
12 **Date Effective:**
13 _____

14
15 **AN ORDINANCE** concerning

16
17 **POSSESSION OF WEAPONS**

18
19 **FOR** the purpose of prohibiting the possession of certain weapons in or on properties owned or
20 occupied by the Town of Riverdale Park; providing certain exceptions and penalties for
21 violations; and generally relating to the prohibition of the possession of certain weapons
22 at certain locations in the Town of Riverdale Park.

23
24 **BY** adding

25
26 Chapter 50, PEACE AND GOOD ORDER
27 Section 50-17
28 Code of the Town of Riverdale Park
29 (January 2008 Revision as Supplemented)
30

31 **BY** repealing and reenacting, with amendments

32
33 Chapter 50, PEACE AND GOOD ORDER
34 Section 50-18.a)
35 Code of the Town of Riverdale Park
36 (January 2008 Revision as Supplemented)
37

38 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
39 **RIVERDALE PARK**, that new Section 50-17, Chapter 50, PEACE AND GOOD ORDER, is
40 hereby added to the Code of the Town of Riverdale Park (January 2008 Revision as
41 Supplemented), to follow immediately after Section 50-16 of that Chapter, and to read as
42 follows:
43

CHAPTER 50, PEACE AND GOOD ORDER**§ 50-17. PROHIBITION AGAINST POSSESSION OF WEAPONS.**

(A) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM IN THIS SECTION:

(1) "WEAPON" MEANS AN OBJECT, EVEN IF MANUFACTURED FOR A NONVIOLENT PURPOSE, THAT HAS A POTENTIALLY VIOLENT USE, OR A "LOOK-A-LIKE" OBJECT THAT RESEMBLES AN OBJECT THAT HAS A POTENTIALLY VIOLENT USE OR CAUSES DEATH OR BODILY HARM. "WEAPON" INCLUDES BUT IS NOT LIMITED TO A LOADED OR UNLOADED FIREARM, A KNIFE, A DAGGER, BRASS KNUCKLES, A STILETTO, A SWORD CANES AND OR OTHER KIND OF SHARP POINTED CANE, A SLINGSHOT, A BLUDGEON, A NUNCHUCK, A PELLET GUN, A BB GUN, A PAINTBALL GUN AND A SOFT PELLET GUNS, LIVE AMMUNITION OR ORDNANCE, OR CHEMICALS THAT WHEN MIXED TOGETHER BECOME EXPLOSIVE.

(2) "FIREARM" MEANS A WEAPON, INCLUDING A STARTER GUN, CAPABLE OF EXPELLING A PROJECTILE BY THE ACTION OF AN EXPLOSIVE. THIS INCLUDES THE FRAME OR RECEIVER OF ANY SUCH WEAPON, ANY FIREARM MUFFLER OR SILENCER, OR ANY DESTRUCTIVE DEVICE. (I.E.: "MRE BOMB", ARTILLERY SIMULATOR OR EXPLODING FIREWORKS).

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) A PERSON MAY NOT POSSESS A WEAPON ON OR IN, OR WITHIN 100 YARDS OF, A BUILDING OR PARK OWNED BY THE TOWN OF RIVERDALE PARK.

(C) THE PROHIBITION IN SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING:

(1) A LAW ENFORCEMENT OFFICER WHO IS IN UNIFORM, ACTING IN THE OFFICER'S OFFICIAL CAPACITY, ON OR OFF OFFICIAL DUTY AND REPRESENTING THE OFFICER'S AGENCY, PROVIDED THAT ANY WEAPON IS CARRIED AS DIRECTED BY THE POLICY OF THE OFFICER'S LAW ENFORCEMENT AGENCY FOR WEARING AND CARRYING SUCH WEAPON.

(2) A LAW ENFORCEMENT OFFICER WHO IS NOT IN UNIFORM, BUT WHO IS ACTING IN THE OFFICER'S OFFICIAL CAPACITY, ON OR OFF OFFICIAL DUTY, REPRESENTING THE OFFICER'S LAW ENFORCEMENT AGENCY, DISPLAYING THE OFFICER'S BADGE OF AUTHORITY, AND PROVIDED THAT ANY WEAPON IS CARRIED AS DIRECTED BY THE POLICY OF THE

OFFICER'S LAW ENFORCEMENT AGENCY FOR WEARING AND
CARRYING SUCH WEAPON.

- (3) A RETIRED LAW ENFORCEMENT OFFICER WHO IS LAWFULLY
CARRYING A WEAPON AS AUTHORIZED BY STATE OR FEDERAL LAW.

SECTION 2: AND BE IT FURTHER ENACTED that Section 50-18.a) of the Code
of the Town of Riverdale Park (January 2008 Revision as Supplemented), Chapter 50, PEACE
AND GOOD ORDER, is repealed and reenacted, with amendments, to read as follows:

CHAPTER 50, PEACE AND GOOD ORDER

§ 50-18 Penalties.

- a) Violations of the provisions of §§ 50-1 through 50-3, AND § 50-17, are misdemeanors
and, upon convictions thereof, violators shall be subject to a fine of not more than one
thousand dollars (\$1,000) or of not more than six months (6), or both.

SECTION 3: AND BE IT FURTHER ENACTED that this Ordinance shall become
effective twenty (20) calendar days after its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to the Ordinance.

~~Strike Out~~ indicates matter deleted from the law or stricken from the Ordinance by amendment.

*** indicate omission of existing text not modified by this Ordinance.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

CC: Paul Smith, Finance and Employee Services Director

DATE: October 24, 2019

RE: Charter Amendment: Article VI Finance, Section 623 Competitive Bidding

Action Requested: Staff seek an opportunity to review with the Mayor and Council a proposed Charter amendment. The amendment as drafted addresses “piggybacking” contracts from other government entities and purchasing cooperatives or alliances that bid procurements on a volume basis for state or local governments. The revised schedule for formal action follows:

- September 9, 2019 Introduction
- October 28, 2019 Public Hearing
- November 4, 2019 Adoption

Background: In the normal course of business, local governments may, in order to enjoy the lowest possible cost, need to piggyback an existing contract that a different government entity or purchasing cooperative/alliance competitively bid. Examples include municipalities and counties piggybacking on a state contract for the acquisition of vehicles, and local governments piggybacking a county contract for the acquisition of road salt. It is important that municipalities have this option.

A review of the Town Charter found that the current language has no provision for piggybacking a contract and restricts any suspension of the Town’s competitive bidding to situations involving an emergency or exigent circumstance. Specifically, Article VI, Section 623: Competitive Bids reads in part that “the Council may suspend these requirements for competitive bidding for purchases and contracts in excess of the stated amount by four (4) affirmative votes when, because of emergency or exigent circumstances, and in the opinion of the Council, such suspension is reasonably necessary for public policy, health, safety, or well-being.”

Staff have reviewed the language with the Town Attorney, Mr. Fred Sussman. The desire to piggyback a contract competitively bid by a different government entity or purchasing cooperative/alliance is usually related to cost-savings and not an emergency or situation involving exigent circumstance. A draft Charter amendment is attached for review and consideration.

Attachments: Draft Charter Amendment – Article VI, Section 623

COUNCIL OF THE TOWN OF RIVERDALE PARK
CHARTER AMENDMENT RESOLUTION 2019-CR-01

Introduced By: CM David Lingua

Date Introduced: September 9, 2019

Date Adopted: _____, 2019

Date Effective: _____, 2019

A RESOLUTION concerning

CHARTER AMENDMENT – PROCUREMENT AND PIGGYBACKING

FOR the purpose of amending the Charter of the Town of Riverdale Park to allow the Town to make purchases of certain supplies, materials, equipment, construction of public improvements, or contractual service from a person who is supplying the same supplies, materials, equipment, construction or services to another governmental entity, under, certain conditions and circumstances, without complying with certain Town sealed and competitive bidding requirements; and generally relating to procurement requirements for purchases by the Town of Riverdale Park.

BY repealing and reenacting, with amendments
Charter of the Town of Riverdale Park (January 2008 Revision)
ARTICLE VI: Finance
Section 623

Key:

CAPITAL LETTERS indicate matter added to existing law.

SECTION 1: BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that Section 623 of the Charter of the Town of Riverdale Park (January 2008 Revision), ARTICLE VI: Finance, is repealed and re-enacted, with amendments, to read as follows:

ARTICLE VI Finance

§ 623: Competitive Bids

All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than twenty thousand dollars (\$ 20,000) shall be made on written contract. The town manager shall advertise for sealed bids for all such contracts by means including but not limited to publishing notice thereof twice in a newspaper of general circulation in the town. The town manager shall present the sealed bids to the council for approval and advise the council on the bids. Such written contracts shall be awarded by the council to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The town may reject all bids and re-advertise. The council may suspend these requirements for competitive bidding for purchases and contracts in excess of the stated amount by four (4) affirmative votes when, because of emergency or exigent circumstances, and in the opinion of the council, such suspension is reasonably necessary for public policy, health, safety, or well-being. PURCHASES OR CONTRACTS FOR SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OF PUBLIC IMPROVEMENTS OR CONTRACTUAL SERVICES ARE EXEMPT FROM THE SEALED AND COMPETITIVE BIDDING REQUIREMENTS OF THIS SECTION WHERE SUCH SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OR SERVICES ARE PURCHASED OR ACQUIRED FROM A PERSON WHO IS SUPPLYING THE SAME SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OR SERVICES TO ANOTHER GOVERNMENTAL ENTITY, IF THE TOTAL PRICE OR PRICE PER UNIT, AS APPLICABLE, TO BE PAID BY THE TOWN IS NOT MORE THAN THE TOTAL PRICE OR PRICE PER UNIT TO BE PAID BY THE OTHER GOVERNMENTAL ENTITY AND IF THE PRICE TO BE PAID BY THE OTHER GOVERNMENTAL ENTITY HAS BEEN ESTABLISHED BY A COMPETITIVE BIDDING PROCESS CONDUCTED BY THE OTHER GOVERNMENTAL ENTITY OR BY A PURCHASING COOPERATIVE OR ALLIANCE THAT BIDS PROCUREMENTS ON A VOLUME BASIS FOR FEDERAL, STATE, AND LOCAL GOVERNMENTS. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising or re-advertising for or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the council may require.

SECTION 2: AND BE IT FURTHER RESOLVED that the amendments to the Charter adopted by this Resolution shall become effective upon the fiftieth (50th) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of § 4-304 of the Local Government Article of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such § 4-304 of the Local Government Article of the Annotated Code of Maryland on or before the fortieth (40th) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the Town Hall of Town of Riverdale Park (the "Town") or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the Town

not less than four (4) times, at weekly intervals, within a period of forty (40) days starting immediately after the date of adoption of this Resolution.

SECTION 3: AND BE IT FURTHER RESOLVED that the Town Manager shall send or cause to be sent to the Department of Legislative Services of the State of Maryland in accordance with the provisions of §§ 4-308 and 4-109 of the Local Government Article of the Annotated Code of Maryland, the following documents or information concerning the Charter amendments: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 4: AND BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof; and as evidence of compliance herewith, the Town Manager shall cause to be maintained in the records of the Town an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments shall have been published or other evidence of publication; provided that, the failure to so maintain the same shall not invalidate the effectiveness of the Charter amendments provided for in this Resolution.

The above amendments to the Charter of the Town of Riverdale Park were adopted by the foregoing Resolution which was passed at a _____ meeting of the Town Council on _____, 2019, ____ members of the Town Council voting in the affirmative, ____ members of the Town Council voting in the negative, ____ members of the Town Council abstaining and ____ members of the Town Council absent, and the said Resolution becomes effective on the ____ day of _____, 2019 if a petition for referendum has not been filed in the time prescribed by law.

ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

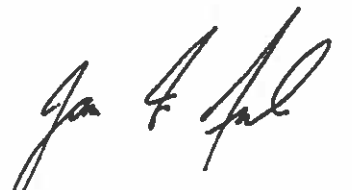
CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND

COUNTY OF: Prince George's County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "FAIR SUMMARY ORDINANCE 2019-CR-01..." was published in the:

The Enquirer-Gazette 09/12/19



James F. Normandin
President & Publisher

**TOWN OF RIVERDALE PARK
FAIR SUMMARY OF
CHARTER AMENDMENT
RESOLUTION NO. 2019-CR-01
PROCUREMENT AND PIGGYBACKING**

This is to give notice the Riverdale Park Town Council has introduced and intends to take action on Charter Amendment Resolution 2019-CR-01.

Charter Amendment Resolution 2019-CR-01 would amend Section 623 of the Charter of the Town of Riverdale Park (January 2008 Revision), to allow the Town to make purchases of certain supplies, materials, equipment, construction of public improvements, or contractual service from a person who is supplying the same supplies, materials, equipment, construction or services to another governmental entity, under, certain conditions and circumstances, without complying with certain Town sealed and competitive bidding requirements; and generally relate to procurement requirements for purchases by the Town of Riverdale Park.

Charter Amendment Resolution 2019-CR-01 is available for inspection by the public at Town Hall during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday.

**RIVERDALE PARK TOWN COUNCIL
BY: JESSICA BARNES, TOWN CLERK**

2869945 EQ

(9-12)

Ad # 12276266 Name TOWN OF RIVERDALE PARK Attn: E Jones Size 34 Lines P0002
Class 820 PO# Authorized by Account 1010038877

CERTIFICATE OF PUBLICATION

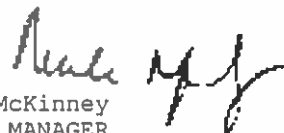
The Washington Post Company hereby certifies that it is the publisher of The Washington Post; that The Washington Post is a newspaper of general circulation, published daily in the City of Washington, District of Columbia; that The Washington Post has been so published continuously for more than one year prior to the date of first publication of the notice mentioned below; that the undersigned person is the duly authorized agent of The Washington Post Company to execute this certificate on its behalf; and that a notice of which the annexed is a true copy was printed and published in said newspaper on the following date(s) at a cost of \$582.50 and was circulated in the Washington metropolitan area.

Published 1 time(s). Date(s):06 of October 2019

Account 1010038877

THE WASHINGTON POST

By


Nicole McKinney
BILLING MANAGER

NOTICE OF PUBLIC HEARING The Mayor and Council of the Town of Riverdale Park will hold a public hearing to receive public comments on a proposed amendment to Article VI Finance, Section 623 Competitive Bidding, of the Town Charter. PLACE OF MEETING: Riverdale Park Town Hall, 5008 Queensbury Road, Riverdale Park, MD 20737 TIME: 7:30 p.m. DATE: October 28, 2019 WRITTEN PUBLIC
COMMENTS MAY BE SUBMITTED TO: The Town of Riverdale Park at 5008 Queensbury Road, Riverdale Park, MD 20737.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council
FROM: John N. Lestitian, Town Manager
DATE: October 26, 2019
RE: Ordinance 2019-OR-11 Chapter 17 Camping

Action Requested: Staff seek direction from the Mayor and Council to prepare the attached draft ordinance 2019-OR-11 for introduction at the November 4, 2019 Legislative Session.

Background: Currently, Chapter 17 prohibits certain camping and establishes a requirement for a Town permit in order to camp. As previously discussed, the Town does not have any established forms or processes for Camping Permit applications and a review of available records did not reveal any issuance of such permits or enforcement of this Chapter.

Staff have reviewed how other jurisdictions address camping. A summary chart follows:

Jurisdiction	Camping Ordinance	Park Regulations	Silent on Camping
College Park			X
Hyattsville			X
Berwyn Heights			X
Edmonston			X
New Carrollton			X
Takoma Park			X
MNCPPC		X	
Bowie		X	
Rockville		X	
Frederick	X		

Recommendation: Staff recommend that the Town repeal and replace Chapter 17 Camping, to prohibit camping on Town-owned, leased, licensed, or controlled property. Draft Ordinance 2019-OR-11 is attached for review.

1 **COUNCIL OF THE TOWN OF RIVERDALE PARK**

2
3 **ORDINANCE 2019-OR-11**

4
5
6 **Introduced By:**

7
8 **Date Introduced:**

9
10 **Date Adopted:**

11
12 **Date Effective:**
13 _____

14
15 **AN ORDINANCE** concerning

16
17 Camping

18
19 **FOR** the purpose of repealing existing provisions regulating certain camping in the Town and
20 establishing new regulations and prohibitions; providing for the removal of certain
21 personal property; providing certain penalties for violations; and generally relating to the
22 prohibition of certain camping in the Town of Riverdale Park.

23
24 **BY** repealing

25
26 Chapter 17, CAMPING
27 Sections 17-1 through 17-5
28 Code of the Town of Riverdale Park
29 (January 2008 Revision as Supplemented)

30
31 **BY** adding

32
33 Chapter 17, CAMPING
34 Sections 17-1 through 17-4
35 Code of the Town of Riverdale Park
36 (January 2008 Revision as Supplemented)

37
38 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
39 **RIVERDALE PARK**, that Sections 17-1 through 17-5, inclusive, of Chapter 17, CAMPING, of
40 the Code of the Town of Riverdale Park (January 2008 Revision as Supplemented), are repealed,
41 and new Sections 17-1 through 17-4, inclusive, are added to this Code and Chapter to stand in
42 the place of the Sections repealed, and to read as follows:
43

Chapter 17 CAMPING**§ 17-1. DEFINITIONS.**

AS USED IN THIS CHAPTER THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

“CAMP” OR “CAMPING” MEANS THE USE OF PROPERTY FOR LIVING ACCOMMODATION PURPOSES INCLUDING, BUT NOT LIMITED TO, SLEEPING OR RESTING OR MAKING PREPARATIONS TO SLEEP OR REST (INCLUDING THE LAYING DOWN OF BEDDING FOR THE PURPOSE OF SLEEPING OR RESTING), STORING PERSONAL BELONGINGS, MAKING A FIRE, OR USING A TENT, SHELTER OR OTHER STRUCTURE OR VEHICLE FOR SLEEPING OR RESTING, OR DOING ANY DIGGING OR EARTH BREAKING. THESE ACTIVITIES CONSTITUTE CAMPING WHEN IT REASONABLY APPEARS, IN LIGHT OF ALL THE CIRCUMSTANCES, THAT A PARTICIPANT IN ONE OR MORE OF THESE ACTIVITIES IS USING THE AREA AS A LIVING ACCOMMODATION REGARDLESS OF THE INTENT OF THE PARTICIPANT OR THE NATURE OF ANY OTHER ACTIVITIES IN WHICH THE PARTICIPANT ALSO MAY BE ENGAGING.

§ 17-2. PROHIBITION.

A PERSON MAY NOT CAMP OR ENGAGE IN CAMPING ON ANY LAND OR OTHER PROPERTY OWNED BY, LEASED OR LICENSED TO, OR OTHERWISE UNDER THE CONTROL OF THE TOWN. A VIOLATION OF THIS SECTION IS A MUNICIPAL INFRACTION.

§ 17-3. REMOVAL OF PROPERTY.

IF, AFTER NOTICE, A PERSON DOES NOT REMOVE PROMPTLY PERSONAL PROPERTY USED TO CAMP OR ENGAGE IN CAMPING IN VIOLATION OF THIS CHAPTER, THE TOWN MAY REMOVE AND DISPOSE OF THE PERSONAL PROPERTY WITHOUT FURTHER NOTICE.

§ 17-4. PENALTIES.

A PERSON WHO CAMPS OR ENGAGES IN CAMPING IN VIOLATION OF THIS CHAPTER IS GUILTY OF A MUNICIPAL INFRACTION. EACH DAY THAT A VIOLATION OF ANY PROVISION OF THIS CHAPTER CONTINUES IS A SEPARATE OFFENSE. THE PENALTY FOR EACH VIOLATION IS ONE HUNDRED DOLLARS (\$100.00).

SECTION 2: AND BE IT FURTHER ENACTED that this Ordinance shall become effective twenty (20) calendar days after its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to the Ordinance.

~~Strike Out~~ indicates matter deleted from the law or stricken from the Ordinance by amendment.

*** indicate omission of existing text not modified by this Ordinance.



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

CC: Staff Leadership Team

DATE: October 21, 2019

RE: International Property Maintenance Code

Action Requested:

Staff seeks input from the Mayor and Council regarding adoption of the 2018 International Property Maintenance Code.

Background:

The 2019 Staff Goals included the proposed adoption of the International Property Maintenance Code. Currently the Town follows the Prince George's County Property Maintenance Code which is based on the 2002 International Property Maintenance Code. Additionally, the County's code is only applicable to residential structures. The Town's code will apply to all premises and structures in Town.

Staff will review and offer local amendments to the 2018 International Property Maintenance Code. Staff will seek input from:

- Residents (at public meetings and through the Community Input e-mail address)
- Members of the Board of Code Appeals
- Group comprised of representatives from the business community, property owners, and managers of multi-family buildings in Town

The proposed schedule for formal action follows:

- February 3, 2020 Introduction
- March 2, 2020 Adoption

Opportunities for public input include the following:

- December 16, 2019 Work Session
- January 6, 2020 Legislative Meeting
- January 27, 2020 Work Session
- February 3, 2020 Legislative Meeting
- February 24, 2020 Work Session

Town Hall • 5008 Queensbury Road • Riverdale Park • Maryland 20737

www.RiverdaleParkMD.gov

Telephone - 301.927.6381



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Director of Administrative Services

DATE: October 24, 2019

RE: Riverdale Park Cares: Coats for Riverdale Elementary

Action Requested:

No Council action is requested at the October 28, 2019 Work Session. Staff will seek approval of a motion allocating funds from the FY2020 Unallocated Social Concerns line item to assist in covering costs for this endeavor.

Background:

The Town was informed by the Prince George's County Department of Social Services Community School Coordinator for Riverdale Elementary School that there are only twenty (20) coats available for Riverdale Elementary School (RES) students this year. The Community School Coordinator indicated that there was a need for more than twenty (20) coats for the students. An Operation Warm Fundraiser has been started to fund additional coats. The fundraiser is seeking \$2,000 for new coats for RES students.

The FY2020 budget designates \$5,000 for Unallocated Social Concerns and \$600 for a Community Coat Drive. Staff recommends, as part of the Town's Riverdale Park Cares initiative, that \$1,400 from the Unallocated Social Concerns Fund be designated for providing coats for RES students. These funds coupled with the \$600 typically used to support a Community Coat Drive would provide a total of \$2,000 for new coats for Riverdale Elementary School students. This effort would more than triple the Town's past contribution towards providing coats but would also result in funds not going to other efforts to provide coats.

Give Brand New Coats to Kids in Need with Riverdale Elementary School

\$36 Raised

\$2,000 Goal

BECOME A FUNDRAISER

DONATE NOW



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Director of Administrative Services

Cc: Leadership Team

DATE: October 24, 2019

RE: Draft 2020 and 2021 Council Calendars

Action Requested:

Staff seek input from the Mayor and Council regarding the 2020 and 2021 Council Calendar. No formal action is requested at the October 28th Council Work Session.

Attachment:

Draft 2020 Council Calendar

Draft 2021 Council Calendar

DRAFT 2020 Council Meeting Schedule

January

Legislative Meeting: January 6, 2020

Work Session: January 27, 2020

February

Legislative Meeting: February 3, 2020

Work Session: February 24, 2020

March

Legislative Meeting: March 2, 2020

State of the Town: March 16, 2020

Work Session: March 30, 2020

April

Budget Public Hearing: April 4, 2020

Legislative Meeting: April 6, 2020

Budget Public Hearing: April 25, 2020

Work Session: April 27, 2020

May

Legislative Meeting: May 4, 2020

Community Walk: Saturday, May 16

Work Session: May 18, 2020

June

Legislative Meeting: June 1, 2020

Work Session: June 22, 2020

*MML Summer Conference: June 28- July 1

July

Legislative Meeting: July 6, 2020

Community Walk: Saturday, July 18

August

Community Walk: Saturday, August 15

Work Session: August 31, 2020

September

Community Walk: Saturday, September 12

Legislative Meeting: September 14, 2020

Work Session: September 21, 2020

October

Legislative Meeting: October 5, 2020

Community Walk: Saturday, October 10

Work Session: October 26, 2020

November

Legislative Meeting: November 2, 2020

Community Walk: Saturday, November 21

Work Session: November 30, 2020

December

Legislative Meeting: December 7, 2020

Work Session: December 21, 2020

DRAFT 2021 Council Meeting Schedule

January

Legislative Meeting: January 4, 2021

Work Session: January 25, 2021

February

Legislative Meeting: February 1, 2021

Work Session: February 22, 2021

March

Legislative Meeting: March 1, 2021

State of the Town: March 15, 2021

Work Session: March 29, 2021

April

Legislative Meeting: April 5, 2021

Budget Public Hearing: April 17, 2021

Budget Public Hearing: April 24, 2021

Work Session: April 26, 2021

May

Town Election Day: May 3, 2021

Legislative Meeting: May 3, 2021

Special Legislative Meeting: May 4, 2019

Community Walk: Saturday, May 15

Special Work Session: Saturday, May 22

Work Session: May 24, 2021

June

Legislative Meeting: June 7, 2021

Work Session: June 21, 2021

*MML Summer Conference: June 27- 30

July

Legislative Meeting: July 12, 2021

Community Walk: Saturday, July 10

August

Community Walk: Saturday, August 14

Work Session: August 30, 2021

September

Community Walk: Saturday, September 11

Legislative Meeting: September 13, 2021

Work Session: September 20, 2021

*MML Fall Conference: Sept. 28 - Oct. 1

October

Legislative Meeting: October 4, 2021

Community Walk: Saturday, October 9

Work Session: October 25, 2021

November

Legislative Meeting: November 8, 2021

Community Walk: Saturday, November 13

Work Session: November 22, 2021

December

Legislative Meeting: December 13, 2021

Work Session: December 20, 2021



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Director of Administrative Services

Cc: Leadership Team

DATE: October 25, 2019

RE: Street Closure: Natoli Place from Queensbury Road to Lafayette Avenue for Veterans Day Ceremony

Action Requested

No action is requested at the October 28th Work Session. Staff requests that the Mayor and Council approve the closure of Natoli Place from Queensbury Road to Lafayette Avenue at the Veterans Monument from 9:00 a.m. to 12 noon on November 11, 2019 at the November 4th Legislative Meeting.

Overview

The Town's annual Veterans Day Ceremony is held on November 11th at 11:00 a.m. at the Veterans Monument. In order to safely conduct the event, the closure of Natoli Place from Queensbury Road to Lafayette Avenue from 9:00 a.m. to 12 noon is requested.

Town of Riverdale Park
Legislative Meeting Minutes
September 9, 2019
8:00 p.m.

In Attendance

Mayor Alan K. Thompson
CM Aaron Faulx, Ward 2
CM David Lingua, Ward 3
CM Christopher Henry, Ward 4

John N. Lestitian, Town Manager
Jessica Barnes, Town Clerk
Paul Smith, Director of Finance and Employee Services
Kevin Simpson, Director of Development Services
Gentry Jones, Finance Specialist

Call to Order

Mayor Thompson called the Legislative Meeting to order at 8:09 p.m.

Pledge of Allegiance

The Pledge of Allegiance was recited followed by a moment of reflection.

Approval of Agenda

CM Henry made a motion to approve the agenda as amended. The motion was seconded by CM Faulx. Vote: 3-0-1 (favorable, Mayor Thompson abstained)

Discussion:

All reports were moved to after New Business.

Correspondence Summary

The Correspondence Summary was included in the meeting materials.

CM Lingua requested more information regarding Items 4 and 5 on the Correspondence Summary. Town Manager Lestitian provided an overview.

Mayor's Report

Mayor Alan K. Thompson reported:

- Welcomed everyone back from Summer Recess.
- A Closed Meeting was held on September 9th to consider the acquisition of real property and the actions taken were to permit the Mayor to discuss the item with the CMs that were not present, Town Manager Lestitian was directed to continue with negotiations, and there was a motion to adjourn.
- Recently attended a presentation on the new zoning map
- First track of Purple Line has been laid
- Update on long-standing issue of stop signs at the railroad tracks on Queensbury Road
- Discussion regarding observations from recent trip to Australia

Town Manager Report

Town Manager John N. Lestitian reported:

- Crier submission deadline approaching on September 15th
- Community Walk to be held on September 21st starting at Town Hall and door hangers were distributed to homes along the route
- Centennial Planning Committee will meet on September 18th at 6 p.m.
- Overview of items from the summer: closed on East West Highway property, held two community walks and a community bike ride for National Night Out, successful summer intern program, applied for Maryland Main Street Affiliate program, worked to close out FY2019

Finance Report

Finance Specialist Gentry Jones reported, as of August 31, 2019, subject to audit:

July Expenses: \$356,904

July Revenue: \$226,869

August Expenses: \$529,910

August Revenue: \$313,966

CM Lingua made a motion to adopt the Finance Report subject to audit. The motion was seconded by CM Faulx. Vote: 4-0-0 (favorable)

Finance Specialist Gentry Jones provided an overview of the current year in comparison to prior years. CM Henry asked why there appeared to be a decrease in revenue for FY2020 and Mr. Jones explained that was due to the timing of the receipt of the property tax revenue from the County.

Fire Department Report

There was no Fire Department report.

Council Committee & Ward Reports

CM Aaron Faulx, Ward 2

CM Aaron Faulx reported that a constituent had asked if the Town offered Community Service opportunities. Town Manager Lestitian suggested that the constituent reach out to the Town Clerk for more information.

CM David Lingua, Ward 3

CM David Lingua reported:

- CKAR CDC meeting will be held on September 10th from 7 p.m. to 9 p.m. and more information was available at ckarcdc.org
- Overview of items related to CKAR CDC: Taste of Sarvis event, fundraising efforts, and nomination of Executive Director Patricia Hayes-Parker for an award
- Requested that residents donate their time and effort to planning for the upcoming Centennial events. Contact CM Richardson and CM Faulx for more information
- Last Community Walk was well attended by staff but hoped to see more residents at next Community Walk

CM Christopher Henry, Ward 4

CM Christopher Henry reported:

- Thank you to CM Lingua for his efforts on behalf of the Town
- Welcomed everyone back from vacation
- Thoughts and prayers went out to victims of recent hurricanes
- Thank you to Town Manager Lestitian for the tree trimming in Madison Hill and to Chief Morris for parking enforcement
- A Defined Benefits Board meeting would be scheduled before the end of the year

Public Comments on Non-Agenda Items and Consent Agenda Items

There were no public comments.

Consent Agenda

Motion to approve consent agenda items:

1. Fence Permit Request: 60” metal fence around patio area at Town Center Market, 4705 Queensbury Road
2. Street Closure Request: 6200 block of 43rd Street on September 28, 2019 from 11:00 a.m. to 7:00 p.m. for annual Block Party (Ward 1)
3. Minutes: July 24, 2019 Special Legislative Meeting, June 17, 2019 Special Legislative Meeting, April 29, 2019 Work Session

CM Henry made a motion to approve the Consent Agenda. CM Faulx seconded the motion.

Vote: 3-0-1 (favorable, Mayor Thompson abstained)

Legislative Action Items:

1. Motion to approve a licensing agreement with Town Center Market

CM Lingua made a motion to approve a licensing agreement with Town Center Market. The motion was seconded by CM Henry Vote: 3-0-1 (favorable, Mayor Thompson abstained)

Discussion:

Development Services Director Kevin Simpson provided an overview of the licensing agreement. Director Simpson reported that the licensing agreement had been reviewed by Town Attorney Fred Sussman.

2. Motion to adopt Resolution 2019-R-05 regarding amendment to Accessory Structure Grant Program

CM Lingua made a motion to adopt Resolution 2019-R-05 regarding amendments to the Accessory Structure Grant Program. The motion was seconded by CM Faulx. Vote: 3-0-1 (favorable, Mayor Thompson abstained)

Discussion:

Development Services Director Kevin Simpson provided an overview of the proposed amendment to the Grant Program regarding eligible uses.

3. Motion to adopt Resolution 2019-R-07 regarding Vision and Commitment to Professional, Well-trained Employees

CM Faulx made a motion to adopt Resolution 2019-R-07 regarding a Vision and Commitment to Professional, Well-trained Employees. The motion was seconded by CM Henry. Vote: 3-0-1 (favorable, Mayor Thompson abstained)

Discussion:

Finance and Employee Services Director Paul Smith provided an overview.

4. Introduction of Ordinance 2019-OR-06 regarding Small Cell Design Guidelines

CM Henry introduced Ordinance 2019-OR-06 regarding Small Cell Design Guidelines.

Discussion:

CM Henry provided an overview of the ordinance.

5. Introduction of Ordinance 2019-OR-07 correcting the codification of the provisions of Ordinance 2019-OR-03

CM Faulx introduced Ordinance 2019-OR-07 correcting the codification of the provisions of Ordinance 2019-OR-03.

Discussion:

CM Faulx provided an overview of the ordinance.

6. Introduction of Ordinance 2019-OR-08 repealing Chapter 22- Clubs

CM Lingua introduced Ordinance 2019-OR-08 repealing Chapter 22- Clubs.

Discussion:

CM Lingua provided an overview of the ordinance.

7. Introduction of Charter Amendment 2019-CR-01 regarding Article VI Finance, Section 623 Competitive Bidding

CM Lingua introduced Charter Amendment 2019-CR-01 regarding Article VI Finance, Section 623 Competitive Bidding.

Discussion:

CM Lingua provided an overview of the Charter Amendment.

8. Motion to authorize the Town Manager to send a letter to M-NCPPC regarding budget requests for parks located in Town

CM Henry made a motion authorize the Town Manager to send a letter to M-NCPPC regarding budget requests for parks located in Town. The motion was seconded by CM Lingua. Vote: 3-0-1 (favorable, Mayor Thompson abstained)

Discussion:

CM Lingua provided an overview of the items covered in the draft letter.

Unfinished Business

1. Mayor and Council Meeting Times

Mayor Thompson reported that there had been a postponement of a previous motion to move the start times of Legislative Meetings and Work Sessions to 7:00 p.m. made by CM Lingua and seconded by CM Henry.

Discussion:

CM Henry stated that he did not want to put undue stress on the Mayor or ask him to use leave time from his job. CM Lingua withdrew his motion.

New Business

1. Motion to adopt Resolution 2019-R-06 regarding CKAR Sarvis Café Project

CM Lingua made a motion to adopt Resolution 2019-R-06 regarding CKAR Sarvis Café Project. The motion was seconded by CM Faulx. Vote: 3-1-0 (favorable, Mayor Thompson abstained)

Discussion:

CM Lingua provided an overview of the resolution.

Mayor Thompson stated that the Economic Development Fund was established with projects of this nature in mind.

2. Code Review and Recommendation: Chapter 17- Camping

Town Manager Lestitian provided an overview and stated this item would be added to the September Work Session for further discussion.

Adjournment

CM Henry made a motion to adjourn the meeting at 9:28 p.m. The motion was seconded by CM Lingua. Vote: 3-0-1 (favorable, Mayor Thompson abstained)