



**Town of Riverdale Park
February 25, 2019**

**Special Legislative Meeting
8:00 p.m.
AGENDA**

Call to Order

Approval of Agenda

Presentation

1. Bid Opening: DPW 19-002 Residential Trash Collection Services

Adjournment

Work Session

8:00 p.m.

AGENDA

Call to Order

Approval of Agenda

Mayor's Report

- Report of Closed Meeting

Presentation

1. FY2020 Revenue Projections

Public Comments

Town Manager's Report

Council Committee & Ward Reports

Work Session Discussion Items

1. Fence permit application: 6-foot wooden fence at 4711 Nicholson Street
2. Amendments to Chapter 42 Licenses
3. Partnership with Prince George's County: Fuel Agreement
4. Aging Accounts Receivable: Collection Agency
5. MARC VRE Connection
6. Mixed-Used Town Center Local Design Review Committee resignation and appointment recommendation
7. Ordinance authorizing wireless and wireline broadband deployment in the public rights of way
8. Appointment of Election Judges and Members of the Board of Election Appeals
9. DPW repositioning and expanding efforts: Bid No. DPW 19-001 Lawn Mowing and Maintenance Services
10. 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

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

CC: Staff Leadership Team

DATE: February 21, 2019

RE: Fence Permit Request for 4711 Nicholson Street (Ward 3)

Action Requested:

Staff seeks input from the Mayor and Council regarding the permit request for fence installation at the above referenced property, pursuant to Chapter 66 of the Town Code.

Background:

The Town received a building permit application from Wesley Dohe to construct a 6-foot wood fence and two gates to enclose the backyard of his property. The applicant obtained a Prince George's County permit for the proposed work.

Please note the attached materials concerning the work.

Attachments:

Pictures of 4711 Nicholson Street

Riverdale Park Building Permit Application

Approved Prince George's County Building Permit Application

Site Plan





Town of Riverdale Park
Office of Development Services
5008 Queensbury Road
Riverdale Park, MD 20737
(301) 927-6381

County Permit Number: _____
Town Permit Number: _____

Permit Application

Type of Permit: ☐ Building ☒ Fence ☐ Dumpster / Storage Container ☐ Dumpster ☐ Other

Contact/Applicant: Wesley Dohe _____
(Name) (Phone Number)

Property Information: 4711 Nicholson ST _____
(Building Number) (Street Name) (Apartment/Suite)

Property Owner Information:

Wesley Dohe _____ 4711 Nicholson _____
(Name) (Phone Number)
4711 Nicholson ST _____
(Building Number) (Street Name) (Apartment/Suite)
Riverdale MD 20737
(City) (State) (Zip Code)

Contractor Information:

Mid atlantic Deck and Fence 800 Rt 3 South Gambrills MD
(Company Name and Mailing Address) 21059
Dave Kost 301 399 6777
(Contact Person Name and Phone Number)

Description of Work to be Completed:

26' of 6' wood Fence on sides to finish enclosing yard
in fence

Estimated Cost of the Project: \$2800.00

Pod/Storage Container and Dumpster:

Location of requested container: ☐ On Street ☐ Rear Yard ☐ Side Yard ☐ Front Yard

Other: _____ Director of Public Works: ☐ Approved ☐ Not Approved

I affirm under the penalty of perjury that the information contained in this application is true and correct to the best of my knowledge, information and belief.

[Signature]
Signature

Feb 06 2019
Date

(Please see reverse side for additional information)

PRINCE GEORGE'S COUNTY

PERMIT

ISSUANCE DATE : Feb-05-2019

EXPIRATION DATE :

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT PERMITTING CENTER
9400 PEPPERCORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900

PROPERTY OWNER

Wesley Dolic
4711 Nicholson ST
Riverdale, MD 20737 (410) 773-4873



CONTRACTOR

Mid-Atlantic Deck and Fence
800 Rt. 3 South
Gambrills, MD 21054 (410) 544-1987
LICENSE NUMBER: 25165

OCCUPANT

ARCHITECT

TYPE OF PERMIT : DPIE RW
WORK DESCRIPTION : Install approx. 26' of 6' wood fence with 2 gates
EXISTING USE : SFD
USE (MNCPPC ZONING) : FENCE
SUBDIVISION : RIVERDALE PARK
OWNERSHIP : HEIGHT FT : 6
LIBER : 40825 WIDTH FT :
FOLIO : 200 DEPTH FT : 26
ED/ACCT NO. : 19 / 2130060 NO STORIES :
LOT : 14 DWELL UNITS :
BLOCK : 61 PARKING SP : 0
TAX MAP : 042 LIVE LOAD :
SCD : USE GROUP :
SPEC EXCEPT : TYPE CONST :

OCCUPANCY LOAD :
SITE CERTIFICATE :
STRUCTURE CERT :
SEWER :
WATER :
HEATING :
PARCEL :

WSSC
WSSC

ELECTRICITY :
CENTRAL A/C :
ELEVATOR :
ESCALATOR :
BASEMENT :
BOILER NUMBER :
CBCA : N
HISTORICAL : N
SIGN NUMBER :

Conditions

Must comply with Sec. 27-420, Fences and walls. Please note: Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot.
As outlined in County Code Subtitle 4-111 no work shall be performed during the hours of 9:00 p.m. to 7:00 a.m., unless work is performed pursuant to Section 4-120 of this Subtitle.
Only the Licensed Contractor or Homeowner, named on the Permit as contractor, is permitted to perform the scope of work on the permit at the address specified.

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

THIS PERMIT IS VOID SIX (6) MONTHS FROM DATE ISSUED IF CONSTRUCTION HAS NOT STARTED, HAS BEEN SUSPENDED OR DISCONTINUED UNLESS OTHERWISE INDICATED

INSPECTION AREA :

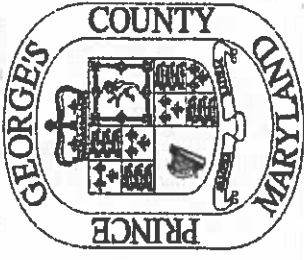
INSPECTION APPROVALS

Melinda Bolling

BUILDING INSPECTOR	HEALTH	ELECTRICAL	PLUMBING	FIRE MARSHAL
APPROVED:				

PRINCE GEORGE'S COUNTY
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PERMITTING CENTER

9400 PEPPERCORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900



YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

PERMIT APPLICATION FILING
 FEES ARE NON-REFUNDABLE

Case Number: 4596-2019-00
LOT: 14
BLOCK: 61
PARCEL:

PERMIT APPLICATION

Date: 02/05/2019
ACTIVITY: DPE RW
WORK DESCRIPTION: Install approx. 26' of 6' wood fence with 2 gates
USE TYPE: Single Family
EXISTING USE: SFD
PROPOSED USE: SFD

SITE INFORMATION

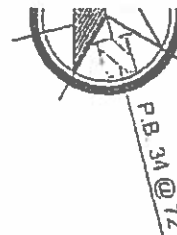
SITE ADDRESS:	PROJECT NAME:	EST. CONSTRUCTION COST:
4711 NICHOLSON ST	DOLE	\$ 2,800.00
RIVERDALE 20737	SUBDIVISION: RIVERDALE PARK	ELECTION DISTRICT: 19
		PROPERTY TAX ACCOUNT #: 2130060

OWNER	OCCUPANT	CONTRACTOR	ARCHITECT
Wesley Doherty 4711 Nicholson ST Riverdale MD 20737		Mid-Atlantic Deck and Fence 800 Rt. 3 South Gambrills	The Maryland-National Capital Park and Planning Commission

FOR OFFICE USE ONLY			
Reviewer	Date	Fire Eng.	Date
<i>[Signature]</i>	2-5-19	Mechanical Eng.	4596-2019-02W
		Health	OK for 6' ft high fence with 2 gates
		Issuance	

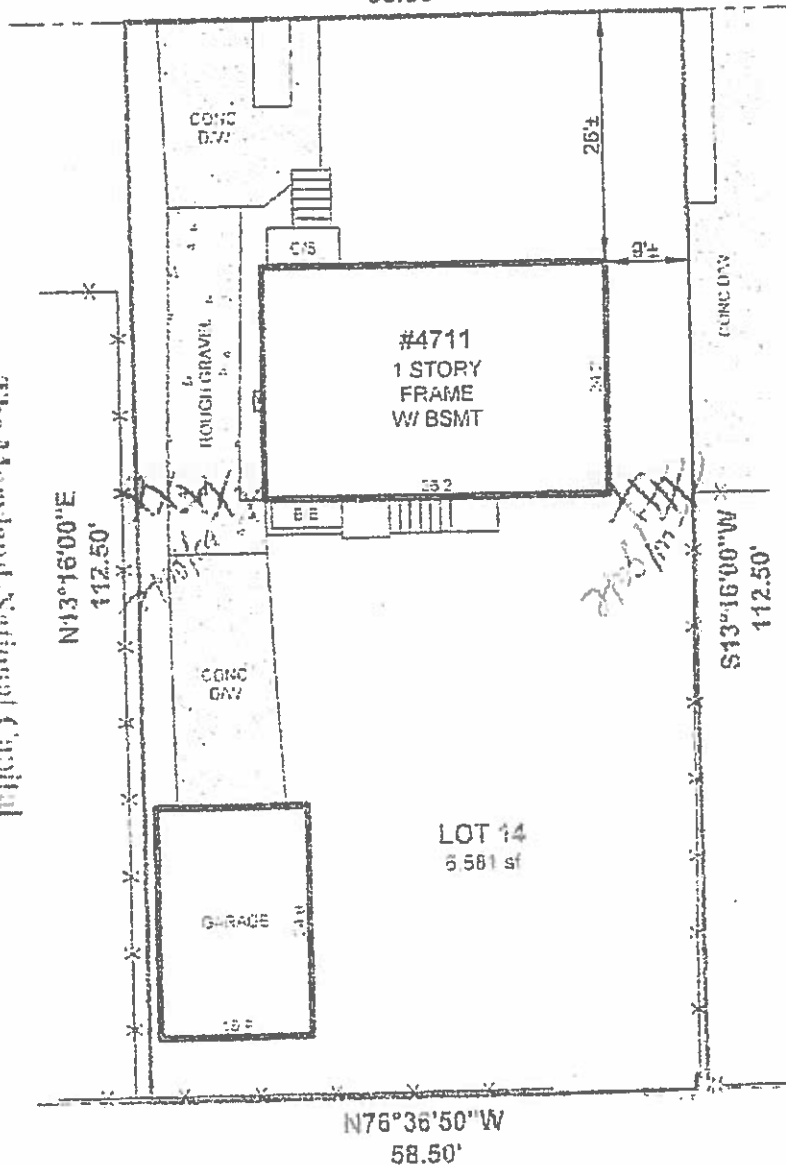
I hereby certify that I have permission of the property owner to submit this application on his/her behalf and that the information is complete and correct.

APPLICANT	NAME	COMPANY	PHONE	SIGNATURE
Julie Barth	Chesapeake Permits	(443) 623 - 1994		<i>[Signature]</i>



NICHOLSON STREET

S76°36'50"E
58.50'



- 3:1 Maximum Slope Allowed On Residential Property.
- 7% Maximum Parking Pad Slope and 12% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10' in 10' Minimum Slope of Pad Away From Building Is Required.

NOTE:
ENCROACHMENTS
MAY EXIST

LOCATION DRAWING OF:

#4711 NICHOLSON STREET
LOT 14 BLOCK 61
SECTION 3
RIVERDALE PARK
PLAT BOOK 34, PLAT 72

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 01-30-2019

DRAWN BY: AP FILE #: 190627-200

LEGEND:

- FENCE
- BE - BASEMENT ENTRANCE
- BW - BAY WINDOW
- BR - BRICK
- BRL - BLDG RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP
- CONC - CONCRETE
- DW - DRIVEWAY
- EX - EXISTING
- FR - FRAME
- MAC - MACADAM
- G - GATE
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT
- PUE - PUBLIC IMPROVEMENT ESMT

COLOR KEY:

- ROAD - RECORD INFORMATION
- BLUE - IMPROVE EXIST
- GREEN - IMPROVE EXIST

A Land Surveying Company



DULEY

and
Associates, Inc.

Serving D.C. and MD.



14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111

Fax: 301-888-1114

Email: orders@duley.biz

On the web: www.duley.biz

SURVEYOR'S CERTIFICATE

DULEY & ASSOC.

PRINCE GEORGE'S COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES

Payment Date: February 05, 2019

Payment ID: 1122422

Page 1 of 1

Case Number	Fee Type	Fee	Total Fee	Fee Status
1635-2019-00	PERMIT	PARK AND PLANNING	\$5.00	PAID
1635-2019-00	PERMIT	DECK	\$120.75	PAID
4602-2019-00	PERMIT	PARK AND PLANNING	\$5.00	PAID
4596-2019-00	PERMIT	PARK AND PLANNING	\$5.00	PAID
4596-2019-00	PERMIT	FENCE/MISC RES	\$115.50	PAID
4602-2019-00	PERMIT	GRADING	\$42.00	PAID
4596-2019-00	PERMIT	GRADING	\$42.00	PAID
1635-2019-00	PERMIT	GRADING	\$42.00	PAID
4602-2019-00	PERMIT	DECK	\$120.75	PAID
Total Fees:			\$498.00	

Cash	Check
<u>Amount Tendered</u>	<u>Amount</u> <u>Number</u>
\$ 0.00	\$498.00 6046

Amount Due	Amount Paid	Balance	Balance Type
\$ 498.00	\$ 498.00	\$ 0.00	Exact

* Only Highlighted is :
Wesley Dohe

Search Result for PRINCE GEORGE'S COUNTY

1/2

TOWN OF RIVERDALE PARK
5008 QUEENSBURY RD
RIVERDALE, MD 207371926
3019276381
psmith@riverdaleparkmd.gov
www.townofriverdaleparkmd.gov

Invoice

**BILL TO**

Wesley Dohe, E6
4711 Nicholson St.
Riverdale, MD 20737

SHIP TO

Wesley Dohe, E6
4711 Nicholson St.
Riverdale, MD 20737

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
FY 2019-B-71	02/08/2019	\$0.00	02/23/2019	Net 15	

ACTIVITY	QTY	RATE	AMOUNT
PERMITS:BPA Building Permit Application Fee: 6 Ft Fence	1	50.00	50.00
PAYMENT			50.00
BALANCE DUE			\$0.00

PAID



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: February 22, 2019

RE: Amendments to Chapter 42 Licenses

Action Requested: No formal action is requested at the February 25th Work Session. Staff seek an opportunity present to the Mayor and Council proposed amendments to Chapter 42.

Background: Staff have reviewed Chapter 42 and have developed considerable edits. The proposed amendments are summarized in the following table:

Existing	Proposed
Chapter 42 Licenses	Chapter 42 Business Licenses
<ul style="list-style-type: none">• Licenses trades and businesses• No stated purpose• No Definitions• Includes religious institutions, rooming houses and references to multifamily dwellings• Existing Fees• Mobile Vending Provisions• Temporary License Provisions• Involved suspension and review process• Broad enforcement actions• Police enforcement actions• Existing Municipal Infraction fine• Appeal enforcement to the Mayor and Council	<ul style="list-style-type: none">• Licenses businesses• Stated purpose – tied to vision and commitment• Definitions added• Narrows scope• Fee increase for alcohol sales• Specialty Licenses<ul style="list-style-type: none">○ Mobile Vending○ Seasonal / Temporary License• Streamlined suspension and review process• Refined enforcement actions• Police assistance with enforcement• Increased Municipal Infraction fine• Appeal enforcement to Board of Code Appeals

A draft revised ordinance is attached along with a copy of the existing ordinance.

c. Leadership Team

Chapter 42

BUSINESS LICENSES

§ 42-1. Purpose.

§ 42.2. Matters Covered.

§ 42.3. Definitions.

§ 42-4. License required.

§ 42-5. Application forms; and required documentation.

§ 42-6. License fees.

§ 42-7. License issuance; denial.

§ 42-8. Specialty Licenses.

§ 42-9. Operational regulations.

§ 42-10. Suspension and revocation.

§ 42-11. Appeals.

§ 42-12. Penalties and enforcement

[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]

REFERENCES

Amusement machine fees -- See Chapter 9.

Camping fees -- See Chapter 17.

Carnival and show permits -- See Chapter 19.

Club permits -- See Chapter 22.

Dance hall permits -- See Chapter 25.

Municipal Infractions -- See Chapter 46.

Rental licensing -- See Chapter 55.

§ 42-1. Purpose.

(a) The Council has adopted a vision and commitment for business and economic development, and for housing and neighborhoods. As part of the Town's efforts to ensure these vision and commitment statements are realized, the Town administers various programs and initiatives through the adopted Town Code. This Chapter supports business, economic development, housing and neighborhoods through the licensing and inspection of businesses throughout the Town. This Chapter is intended to ensure that defined businesses are properly located, improved, maintained, licensed, and operated so that the businesses add value to the Town.

(b) A further purpose of this Chapter is to protect and promote the public health, safety, and welfare of the residents of the Town, to establish obligations and rights of business owners; to maintain and improve the quality of businesses; and improve the business climate within the Town. This Chapter also ensures compliance with laws, ordinances, and regulations applicable to businesses within the Town; and prevents deterioration of business real property, supports property values, and encourages responsible business management.

§ 42-2. Matters Covered.

(a) This Chapter shall apply to businesses operating in the Town of Riverdale Park as defined herein. Compliance with Town and other applicable codes and regulations for locating, improving, maintaining, and operating is required.

§ 42-3. Definitions.

(a) **Business.** A business includes any person, corporation, or other legal entity that engages in the selling of goods and/or services. A business includes for-profit and non-profit entities. A business also includes certain home-based businesses not otherwise excluded in this Chapter; coin-operated vending businesses; mobile vending businesses; and seasonal or temporary businesses.

(b) **Excluded businesses.** The following businesses are excluded from the requirements of this Chapter:

1. Leasing of residential rental units as defined and licensed under Chapter 55 of this Code is not the operation of business.
2. Home-occupations permitted under the Prince George's County Zoning ordinance at which no more than two (2) of the home-owners or residential tenants are the only employees and provide onsite services to no more than two (2) customers at any given time.

- (c) **License year.** A license issued under this Chapter:
 - (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30.
 - (2) May be renewed for successive terms of one year each upon compliance with the requirements of this Chapter.
- (d) **Mobile Vendor.** A person who sells or offers to sell goods, wares, or food from a vehicle, trailer, kiosk, pushcart, stand, or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.

§ 42-4. License Required.

- (a) A person may not operate a business in the Town without first obtaining a license as required by this Chapter.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the business in the Town. If the owner of, or other person responsible for operating, the business is a legal business entity, the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity.

§ 42-5. Application; forms; and required documentation.

Any person seeking a license, or the renewal of a license, under this Chapter shall file with the Town Manager or their designee a written application, under penalty of perjury, in a form prescribed by the Town. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available:

- (1) The address of the premises at which the business will be operated.
- (2) The zoning classification of the premises at or from which the business will be operated.
- (3) The name, telephone number, e-mail address, and postal mailing address of the owner of the premises.
- (4) The name, telephone number, e-mail address, and postal mailing address of the applicant.
- (5) The name, telephone number, e-mail address, and postal mailing address of an emergency contact.
- (6) Designation of an individual who will be authorized to accept notices and citations from the Town with respect to the operation of the business.
- (7) A copy of the current use and occupancy permit for the premises that shows that the business is authorized at the premises if another regulatory authority requires a use and occupancy certificate.
- (8) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages are allowed at the premises.
- (9) Evidence that the premises satisfies all applicable property maintenance code, business licensing, and safety regulations for the operation of business.
- (10) A statement by the applicant and the owner of the premises that the filing

of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town designated regulatory officials to enter the premises of the business with prior notice during regular business hours before approval of the license for the limited purpose of determining whether representations contained in the application are accurate, and, after a license has been issued, investigating, based upon probable cause, violations of this Chapter and the license. Where entry to a premise is refused, Town regulatory officials, may obtain a warrant to authorize entry.

42-6. License fees.

(a) The amount of the annual license fee is \$150, except that for the following types of Businesses, the amount of the annual license fee is the amount specified:

- (1) Coin-Operated Vending: The amount of the annual license fee is \$20 per machine in addition to the license fee for the business in which the machine is located.
- (2) Mobile Vending: The amount of the annual license fee is \$50 per mobile vending unit.
- (3) Alcoholic Beverage: For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$200 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsite sale beer and wine.
 - II. \$100 for a business holding a County alcoholic beverage license for offsite sale beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsite sale beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for onsite sale beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for on and offsite sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for on and offsite sale beer, wine and liquor.
- (4) There is no license fee for non-profit businesses.

(b) The fee for a license issued after July 1 shall not be prorated for the remainder of the year for which the license is issued.

(c) A late fee in the amount of \$20 may be imposed on any license renewal application filed after the due date on the application or any authorized extensions.

§ 42-7. License issuance; denial.

(a) When the Town receives a completed application for a license under this Chapter, the Town shall conduct a review of the application.

(b) After the Town completes the review, the Town Manager or their designee shall

determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this Chapter. Any terms, conditions and restrictions shall be based on the then current applicable codes, laws and regulations.

(c) The Town Manager or their designee shall grant the license, with or without terms, conditions and restrictions, except that the Town Manager or their designee shall deny the application if:

(1) The Town Manager or their designee determines that the business for which the license is not and reasonably cannot be expected to comply with applicable codes, laws, and regulations; or

(2) The business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town, unless the business has submitted a payment plan that is satisfactory to the Town Manager or their designee to pay the fees or taxes or to satisfy other obligations.

(d) A license issued under this Chapter:

(1) Shall identify each business for which the license is issued.

(2) Shall identify the person to whom the license is issued.

(3) Shall identify the location at which the business will be conducted, except that a license issued to a mobile vendor shall identify the business as a mobile vendor.

(4) Shall list all terms, conditions and restrictions imposed upon the granting of the license.

(5) Is not assignable or transferrable to another person, business or location.

(e) If the Town Manager or their designee denies an application for a license under this Chapter, a written notification detailing the reasons for the denial shall promptly be provided to the applicant by hand delivery; by first class U.S. Mail or by email to the email address provided in the application.

§ 42-8. Specialty License Provisions.

(a) Mobile Vending License: A mobile vendor may not remain standing in a fixed or permanent location to service customers. All mobile vendors' vehicles must be clearly marked as to identify the name of business and phone number and display all required permits and licenses.

(b) Seasonal and Temporary License:

(1) Any person, corporation, or other legal entity issued a temporary business use and occupancy permit, or license from Prince George's County shall apply for a temporary license to conduct business in the Town.

(2) Application. All applications for a temporary license must include the

following: County issued permit copies.

- I. Description of services to be offered.
- II. Location of temporary business.
- III. Written authorization by Owner/Manager of any commercial property to be used for operation of temporary business.
- IV. Listing Saturday, Sunday and legal holidays as defined by the Federal Government only, including hours of operations.

(3) Restrictions.

- I. No trailer or tent or motor vehicle or vehicle canopy will be allowed to be used for sales.
- II. All displays or sales must be conducted on the commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
- III. All display/sales area shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.
- IV. The temporary permit shall be issued for not more than three (3) consecutive months.
- V. The temporary permit shall be used only on Saturday, Sunday and legal holidays.

(4) Services offered must comply with site/location zoning for sale of goods.

§ 42-8. Operational regulations.

- (a) The provisions of this section govern the operation of a business licensed under this Chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Manager or their designee of any changes to any of the information submitted as part of the application for the license.
- (c) The operation of the business and premises shall comply with all applicable property maintenance code, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.
- (d) The business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Town as a condition of the issuance of the license.
- (e) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual whose reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (f) No disorderly conduct or public nuisance shall be permitted to occur or continue in

or within in close proximity to the premises of the licensed business.

(g) The business shall be operated in accordance with all applicable laws including, but not limited to, those described in subsection 4 of this section.

(h) The individuals in charge of the operation of the business shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.

(i) The operators of the business shall not allow loitering to occur outside the premises of the business.

(j) The business shall be operated in a manner that does not result in the business being a public nuisance or result in the repeated response by the Police Department for conduct in or about the premises where the business is being operated.

§ 42-10. Suspension and revocation.

(a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).

(b) If a Town regulatory official observes that a business for which a license has been issued under this Chapter is being operated in violation of this Chapter or in violation of the license, the official may issue a written notice to the business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected as required, the regulatory official may suspend or revoke the license.

(c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the business in the Town, licenses under this Chapter shall automatically be suspended or revoked until such time as the other government regulatory agency removes such suspension or revocation.

§ 42-11. Appeals.

(a) Any person aggrieved by a decision to deny the granting of a license under this Chapter, or to impose any terms, conditions and restrictions upon the granting of a license, may appeal the Town decision to the Board of Code Appeals as established in Chapter 56 of this Code.

§ 42-12. Penalties and enforcement.

(a) A person may not violate this Chapter, or the terms, conditions or restrictions of a

license issued under this Chapter. Each day that a person continues to violate this Chapter, or the terms, conditions or restrictions of a license issued under this Chapter is a separate offense.

(b) A person who violates this Chapter or the terms, conditions or restrictions of any license issued under this Chapter is guilty of a municipal infraction and subject to a fine in the amount of \$200 for the violation, except that the amount of the fine for each day that a violation continues is \$400.

(c) This Chapter may be enforced by any Town staff designated by the Town Manager.

(d) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the business, the Town may order the premises to be vacated and posting on the exterior of the premises notices that the business is unlicensed and operating in violation of the Town Code.

(e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this Chapter or of a license issued under this Chapter.

(f) The enforcement of the Mobile Vendor License requirements shall be a joint operation between the Town's Police Department and regulatory officials designated by the Town Manager. The Police Department shall identify mobile vendors operating without or in violation of a Town issued license. The Town's regulatory staff shall then act upon that information to gain compliance and where appropriate take enforcement action.

Chapter 42

LICENSES

§ 42-1. Scope.

§ 42-2. License required.

§ 42-3. Duration of license.

§ 42-4. Application.

§ 42-5. Application review and consideration.

§ 42-6. License fees.

§ 42-7. Licenses.

§ 42-8. Operational regulations.

§ 42-9. Special regulations for mobile vendors.

§ 42-10. Suspension and revocation of license.

§ 42-11. Appeals.

§ 42-12. Penalties and enforcement

§ 42-13. Temporary License [Added 3-05-04]

[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]

REFERENCES

Amusement machine fees -- See Chapter 9.

Camping fees -- See Chapter 17.

Carnival and show permits -- See Chapter 19.

Club permits -- See Chapter 22.

Dance hall permits -- See Chapter 25.

Municipal Infractions -- See Chapter 46.

Rental licensing -- See Chapter 55.

§ 42-1. Scope. [Amended 9-2-14, effective 9-22-14]

- (a) This chapter applies to the operation of a trade or business in the Town of Riverdale Park.
- (b) For purposes of this chapter a trade or business includes commercial trades or businesses, not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) For purposes of this chapter the operation of one or more single-family dwellings or dwelling units for rent and for which licenses have been issued under Chapter 55 of this Code is not the operation of a trade or business with respect to such rentals.

§ 42-2. License required.

- (a) A person may not operate a trade or business in the Town of Riverdale Park without obtaining a license from the Town under this chapter and paying the required license fee.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the trade or business in the Town. If the owner of, or other person responsible for operating, the trade or business is a business entity the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity. The licensee is personally liable for complying with this chapter and all terms and conditions of the license.
- (c) A license issued under this chapter is in addition to a license required under this code.
- (d) A person who is eligible for and obtains a temporary license under § 42-13 of this code is exempt from obtaining a license under this chapter.

§ 42-3. Duration of license.

A license issued under this chapter:

- (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30.
- (2) May be renewed for successive terms of one year each upon compliance with the requirements of this chapter.

§ 42-4. Application. [Amended 9-2-14, effective 9-22-14] [Amended 6-5-17, effective 6-25-17]

Any person seeking a license, or the renewal of a license, under this chapter shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the Town Administrator. An application for the renewal of an existing license shall be filed not later than the May 1 before the license is scheduled to expire, unless otherwise authorized by the Town Administrator. An application that is filed later than the May 15 before the license is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available, and such other information and documentation as the Town Administrator reasonably may require:

- (1) The address of the premises at which the trade or business will be operated.
- (2) The zoning classification of the premises at or from which the business will be operated.
- (3) The name, telephone number and e-mail and postal mailing addresses of the owner of the premises.
- (4) The name, telephone number and e-mail and postal mailing addresses of the applicant.
- (5) The name, telephone number and e-mail and postal mailing addresses of the owner of the business entity for whose use and benefit the license is sought.
- (6) The names, telephone numbers and e-mail and postal mailing addresses of all on-site managers and other on-site individuals who will be responsible for the operation of the trade or business when it is open for business, and who will be authorized to accept notices and citations from the Town with respect to the operation of the trade or business.
- (7) A copy of any current fire inspection or occupancy limitation certificates, or both, for the use of the premises for the trade or business if another regulatory authority requires a fire inspection or occupancy limitation certificate, or both.
- (8) A copy of the current use and occupancy permit for the premises that shows that the trade or business is authorized at the premises if another regulatory authority requires a use and occupancy certificate.

- (9) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.
- (10) Evidence that the premises satisfies all applicable sanitary, building code, business licensing and safety regulations for the operation of trade or business.
- (11) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town code enforcement officers and police officers, and other regulatory officials, to enter the premises of the business with prior notice during regular business hours before approval of the license for the limited purpose of determining whether representations contained in the application are accurate, and, after a license has been issued, investigating, based upon probable cause, violations of this chapter and the license. Where entry to a premises is refused, Town code enforcement officers and police officers, and other regulatory officials, shall obtain a warrant to authorize entry unless other lawful grounds exist to enter the premises without a warrant.

§ 42-5. Application review and consideration. [Amended 9-2-14, effective 9-22-14]

- (a) When the Town Administrator receives a completed application for a license under this chapter, the Town Administrator shall conduct a review and investigation of the application. The Town Administrator may request the assistance of other persons and Town departments in conducting the review and investigation.
- (b) After the Town Administrator completes the investigation, the Town Administrator shall determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this chapter. Any terms, conditions and restrictions shall be based upon any impacts that the operation of the trade or business reasonably may be expected to have on the surrounding community and the public health, safety or welfare.
- (c) The Town Administrator shall grant the license, with or without terms, conditions and restrictions, except that the Town Administrator shall deny the application if:
 - (1) The Town Administrator determines that the trade or business for which the license has been applied reasonably can be expected to have an adverse impact on the surrounding community and the public health, safety or welfare that cannot be mitigated by terms, conditions and restrictions on the license;
or

- (2) The trade or business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town, unless the trade or business had made arrangements approved by the Town Administrator to pay the fees or taxes or to satisfy other obligations.
- (d) If the Town Administrator denies an application for a license under this chapter, the Town Administrator shall prepare a written report of the reasons for the denial and shall provide that report promptly to the applicant by hand delivery or by certified mail, return receipt requested, to the applicant's address as set forth on the application.

§ 42-6. License fees. [Amended 9-2-14, effective 9-22-14] [Amended 6-5-17, effective 6-25-17]

- (a) If an application for a new license or renewal of an existing license is approved, the applicant shall pay the Town a non-refundable license fee before the Town issues the license.
- (b) The amount of the annual license fee is \$150, except that for the following types of trades or business the amount of the annual license fee is the amount specified:
 - (1) For the operation of an apartment house the amount of the annual license fee is \$115 multiplied by the number of apartment units, except that there is no license fee if a license is issued and licensing fee is paid under Chapter 56 of this code.
 - (2) For the operation of a rooming house or boarding house the amount of the annual license fee is \$20 multiplied by the number of rooming units, except that there is no license fee if a license is issued and licensing fees are paid under Chapter 55 of this code.
 - (3) For the operation of one or more coin operated vending machine the amount of the annual license fee is \$20 per machine in addition to the license fee for the trade or business in which the machine is located.
 - (4) For the operation of a mobile vending business the amount of the annual license fee is \$50 per mobile vending unit.
 - (5) For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$150 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsale beer and wine.

- II. \$100 for a business holding a County alcoholic beverage license for off-sale beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsale beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for on-sale beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for on and off-sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for on and off-sale beer, wine and liquor.
- (6) There is no license fee for any trade or business operated by not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) The fee for a license issued after July 1 shall not be prorated for the remainder of the year for which the license is issued.
- (d) A late fee in the amount of \$20 shall be imposed on any license renewal application filed between May 16 and June 30. Any licensed trade or business for which a license is not renewed by June 30 shall be deemed to be unlicensed and subject to penalties and enforcement for an unlicensed business until a license is issued.

§ 42-7. Licenses.

A license issued under this chapter:

- (1) Shall identify each trade or business for which the license is issued.
- (2) Shall identify the person to whom the license is issued.
- (3) Shall identify the location at which the trade or business will be conducted, except that a license issued to a mobile vendor shall identify the business as a mobile vendor.
- (4) Shall list all terms, conditions and restrictions imposed upon the grant of the license.

- (5) Is not assignable or transferrable to another person, trade or business or location.

§ 42-8. Operational regulations.

- (a) The provisions of this section govern the operation of trade or business licensed under this chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Administrator of any changes to any of the information submitted as part of the application for the license.
- (c) A manager or other individual responsible for the operation of the trade or business shall be on the premises at all times when the trade or business is open for business. This manager or other individual responsible for the operation of the trade or business and the holder of the license shall be jointly responsible for the operation of the trade or business and for all violations of this chapter and the terms and conditions of the license, and shall accept notices and citations issued under this chapter.
- (d) The operation of the trade or business and premises shall comply with all applicable sanitary, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.
- (e) The operator of the trade or business shall maintain on file records as required by law for all employees who work at the premises. If not otherwise required by law, these records shall include telephone numbers, and e-mail and postal mailing addresses of all employees.
- (f) The trade or business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Mayor and Council as a condition of the issuance of the license.
- (g) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (h) No disorderly conduct or public nuisance shall be permitted to occur or continue in or within in close proximity to the premises of the licensed trade or business.
- (i) The trade or business shall be operated in accordance with all applicable laws including, but not limited to, those described in subsection 4 of this section.

- (j) The individuals in charge of the operation of the trade or business shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.
- (k) The operators of the trade or business shall not allow loitering to occur outside the premises of the trade or business.
- (l) The trade or business shall be operated in a manner that does not result in the trade or business being a public nuisance or result in the repeated response by police officers for conduct in or about the premises where the trade or business is being operated.

§ 42-9. Special regulations for mobile vendors.

- (a) For purposes of this chapter a “mobile vendor” means a person who sells or offers to sell goods, wares or food from a vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.
- (b) A mobile vendor may not remain standing in a fixed or permanent location to service customers.
- (c) All mobile vendors’ vehicles must be clearly marked as to identify the name of business and phone number, and display all required permits and licenses.

§ 42-10. Suspension and revocation of license.

- (a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).
- (b) If a Town code enforcement officer or police officer observes that a trade or business for which a license has been issued under this chapter is being operated in violation of this chapter or in violation of the license, the officer immediately shall issue a written notice to the manager or other individual responsible for the operation of the trade or business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected immediately or within such longer time specified in the notice, the officer shall issue to the manager or other individual responsible for the operation of the trade or business a written notice that the mayor and council will hold a hearing to determine whether the license should be suspended or revoked. Where Town code enforcement officers or officers of the Town police department reasonably believe that continued operation of the trade or business until the Mayor and Council can hold a hearing on suspension or revocation of the license will result in an immediate and substantial threat to the public health, safety or welfare, the officer may take the same

action as is authorized under § 42-12 (penalties and enforcement) for a trade or business that is operating without a license. Such action shall remain in effect until the Mayor and Council determines whether to allow the resumption of the trade or business or suspend or revoke the license.

- (c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the trade or business in the Town, the Mayor and Council shall hold a hearing to determine whether the Town license also should be suspended or revoked.
- (d) If the Mayor and Council hold a hearing to determine whether a license should be suspended or revoked, the Town Administrator shall send notice of the date, time, place and purpose of the hearing, including the violations or grounds for which suspension or revocation of the license will be considered. The notice shall be sent to the license holder, to the business entity for whose use and benefit the license was issued, and to the owner of the premises at which the trade or business is located. The notice shall be sent by certified and first class mail to the addresses of such persons as listed on the license application. Where action is taken under § 42-10.2 (should be 42-10(b)), the Mayor and Council shall conduct the hearing within 15 days after the date of the written notice of hearing.
 - (1) At a hearing the Mayor and Council shall consider testimony and evidence from the Town, from the holder of the license, and from other interested persons.
 - (2) Following the hearing, if the Mayor and Council finds that the violations as alleged have been sustained, or that the license or permit issued by another government regulatory agency has been revoked or suspended, the Mayor and Council may suspend or revoke the license, or take such other action with respect to the license, including imposing new or additional conditions, as the Mayor and Council reasonably shall determine appropriate to protect the public health, safety and welfare and to ensure future compliance with this chapter and the license.
 - (3) The Mayor and Council shall issue a written decision of their findings and actions with such sufficiency as would be required for judicial review. The Town Administrator shall mail copies of the decision promptly to the same persons and in the same manner as the notice of the hearing was sent. The Town Administrator also shall mail copies of the decision to all other parties of record.
- (e) If the Mayor and Council revoke a license, the holder of the license and the operator of the trade or business may not apply for or receive another license for one year following the date of the revocation except with the consent of the Mayor and Council

upon a showing of a material change in the the circumstances and conditions that led to the revocation of the license.

Sec. 42-11. Appeals.

- (a) Any person aggrieved by a decision of the Town Administrator to deny the granting of a license under this chapter, or to impose any terms, conditions and restrictions upon the granting of a license, may appeal the Town Administrator's decision to the Mayor and Council within ten (10) days following the Town Administrator's decision by delivering a written notice of appeal to the Town Administrator on such form as may be prescribed by the Town Administrator.
 - (1) The Mayor and Council shall give the appellant notice of the date, time and place of a hearing before the Mayor and Council to hear and consideration of the appeal.
 - (2) At the hearing the Mayor and Council shall hear from the appellant and the Town Administrator and such other Town personnel and other individuals as the Mayor and Council deems appropriate. The Town Administrator shall present the record that formed the basis of the Administrator's decision. At the hearing the appellant shall have the burden of demonstrating to the Mayor and Council that the decision of the Town Administrator was arbitrary, capricious or contrary to law.
 - (3) After the Mayor and Council hears and considers the appeal, upon a finding that the decision of the Town Administrator was arbitrary, capricious or contrary to law the Mayor and Council shall affirm, modify or reverse the Town Administrator's decision and may take any action that the Town Administrator may have taken. The Mayor and Council shall make written findings to support and document its decision.
- (b) Any person aggrieved by any decision of the Mayor and Council under this section or § 42-10 may seek judicial review in the Circuit Court for Prince George's County by filing a petition for judicial review within thirty (30) days after the date of the decision of the Mayor and Council. The decision of the Circuit Court may be further appealed to the Maryland Court of Special Appeals as allowed by law.

Sec. 42-12. Penalties and enforcement.

- (a) A person may not violate this chapter or the terms, conditions or restrictions of a license issued under this chapter. Each day that a person continues to violate this chapter or the terms, conditions or restrictions of a license issued under this chapter is a separate offense.

- (b) A person who violates this chapter or the terms, conditions or restrictions of any license issued under this chapter is guilty of a municipal infraction and subject to a fine in the amount of \$150 for the violation, except that the amount of the fine for each day that a violation continues is \$300.
- (c) This chapter may be enforced by any Town code enforcement officer and sworn officers of the Town's police department. Any of these individuals may issue municipal infraction citations for violations.
- (d) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the trade or business, Town code enforcement officers and officers of the Town police department may take such measures as reasonably necessary to effect the closing or otherwise prevent the unlawful continuance or operation of a trade or business that a code enforcement officer or police officer observes is being operated without the license required by this chapter. Such measures include:
 - (1) Locking or securing the premises or otherwise denying entry into the premises; or
 - (2) Ordering the premises to be vacated and posting in and on the exterior of the premises notices that the trade or business is closed by order of the Town and that no person is to enter the premises without permission of the Town.

Such measures taken shall remain in force until such time as the owner or operator of the premises provides assurances reasonably satisfactory to the Town Administrator that the operation of the trade or business will not be resumed without a license.

- (e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this chapter or of a license issued under this chapter.

§ 42-13. Temporary License [Adopted 3-5-04, effective 3-5-04.]

Any person, firm, partnership, association or cooperation issued a temporary business use of occupancy permit, or license from Prince George's County shall apply for a temporary license to do business in the Town of Riverdale Park.

- (a) Application.

All applications for a temporary license must include the following:

- (1) County issued permit copies.

- (2) Description of services to be offered.
 - (3) Location of temporary business.
 - (4) Written authorization by Owner/Manager of any commercial property to be used for operation of temporary business.
 - (5) Check, cash, money order in the amount of seventy-five dollars (\$75).
 - (6) Listing Saturday, Sunday and legal holidays as defined by the Federal Government only, including hours of operations.
- (b) Restrictions.
- (1) No trailer or tent or motor vehicle or vehicle canopy will be allowed to be used for sales.
 - (2) All displays or sales must be conducted on the commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
 - (3) All display/sales area shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.
 - (4) The temporary permit shall be issued for not more than three (3) consecutive

months.

(5) The temporary permit shall be used only on Saturday, Sunday and legal holidays.

(6) Services offered must comply with site/location zoning for sale of goods.

(c) Enforcement.

The Code Enforcement Department and when required the Riverdale Park Police Department shall have the duty of enforcing the requirement of the subtitle to assure continuing compliance with this ordinance and to respond to all complaints, and to provide inspections of such licensed operations.

(d) The Enforcement against an unlicensed temporary business shall be provided by the Enforcement Officer with the assistance of the Police Department which is necessary to effect the closing of otherwise prevent the unlawful operation of any business or operation requiring a temporary license that within seven (7) days of an initial written notice fails to require the necessary license.

Such measurers include:

(e) To remove to a designated facilities the goods and equipment of the vendor, who shall have up to fifteen (15) business days to claim such goods upon payment of any assessed storage fees and fines which have been levied against the vendor. Failure to comply with this schedule such goods shall be deemed abandoned and shall become the property of the Town to be disposed of in accordance with applicable law. The Town shall have no responsibility to protect or preserve any perishable or nonperishable goods or equipment acquired under this section.

(f) Penalties.

The fine for this section of this chapter shall be equivalent of the cost of the temporary license as set forth in section 42-14 (a) (5) Required for a business that is operating without a license. Each day that a business continues operation without acquiring the license shall constitute a separate offense.



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: February 22, 2019

RE: Partnership with Prince George's County – Fuel Agreement

Action Requested:

Staff requests that at the March 4th Legislative Session, the Mayor and Council authorize the Town Manager to sign a Memorandum of Understanding with Prince George's County to have access to and use of automated fuel sites owned and operated by the County, for refueling all Town vehicles.

Overview:

The Town of Riverdale Park has owned and operated its own fuel system for at least 20 years, providing fuel for equipment and Town fleet vehicles. A 4,000-gallon fuel tank containing unleaded and diesel fuels sits on the site of the Department of Public Work (DPW), within thirty (30) feet of Wells Run. DPW staff manages the fuel system – monitoring fuel levels and usage by departments, ordering fuel, overseeing routine maintenance and repairs, and testing water quality in Wells Run monthly for leakage, as required by the Maryland Department of Environment.

The proximity of the fuel tank to Wells Run and the possibility of leakages and spills continue to be of concern to staff and is a major liability for the Town. Eliminating the Town's onsite fuel system and securing an agreement for the County to provide fuel will allow the Town to avoid the possibility of water contamination from a fuel tank leak. Additionally, there exists an opportunity to enjoy cost-savings. Lastly, the reporting feature for the system is antiquated and needs to be replaced. This will require an investment in the existing system if the Town chooses to keep it.

The County's Office of Central Services, Fleet Management Division (FMD), operates 20 fuel sites throughout the county that are co-located with county facilities and stand-alone and accessible seven days a week, 24 hours a day. Two sites are located within one to three miles of Town Hall. FMD manages all aspects of the fuel system, including agency and employee usage, and site security. FMD will assign Town staff a usage code and an override code to supervisors for emergency situations.

Staff will be available at the February 25, 2019, Council meeting to answer questions.

c. file



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Keith Robinson, Program Specialist

Cc: Leadership Team

DATE: February 21, 2019

RE: Aging Accounts Receivable: Collection Agency

Action Requested:

No formal action is requested at the February 25th Work Session. Staff seek an opportunity to present an overview of the Town's aging accounts receivable and to make a recommendation for the use of a collection agency. At the March 4th Legislative Meeting staff will seek authorization for the Town Manager to sign an agreement with the recommended agency.

Background:

Staff has analyzed the aging accounts receivable and determined that there is an opportunity to collect the unrealized revenue by utilizing a third party collection agency. Aging accounts receivable is defined as invoices that are over 90 days past due.

Staff will be available to respond to any questions.



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: February 22, 2019

RE: Mixed-Used Town Center Local Design Review Committee resignation and appointment recommendation

Action Requested:

No formal action is requested for the February 25th Work Session. At a future meeting, the Mayor and Council will need to take legislative action to recommend a member of the community to fill the resident vacancy on the Riverdale Park Mixed-Used Town Center Local Design Review Committee.

Overview:

One of the resident members of the Town's Mixed-Used Town Center Local Design Review Committee has resigned.

The Development Plan states that, "Committee members should be chosen from a pool of applicants solicited by the Town of Riverdale Park. The town will then forward a list of the recommended committee members to the Planning Board for approval. Each member of the committee serves a one- or two-year term.

The seven-member committee shall be composed of six core members, who include two municipal government representatives, two residents, two business and/or property owners in the town center, and a seventh member having technical or design expertise in a related field such as planning, local history, architecture, landscape architecture, real estate, education, law, finance, or the building trades. One of the six core members shall also have design expertise in a related field such as architecture, landscape architecture, or urban design."

c. file



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: February 22, 2019

RE: Ordinance authorizing wireless and wireline broadband deployment in public rights-of-way

Action Requested: No formal action is requested at the February 25th Work Session. Staff will request that an ordinance governing small cell infrastructure in public rights-of-way be introduced at the March 4th Legislative Session.

Background: The Federal Communications Commission (FCC) is requiring that jurisdictions that seek to regulate small cell infrastructure in public rights-of-way, publish the rules by April 15, 2019. The Town will need to adopt an ordinance should it desire to have this ability. The purpose of the attached draft ordinance follows:

- **FOR** the purpose of providing certain standards and regulations 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; providing for fees and annual charges; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

Please note the proposed timeline:

- March 4th Introduction of an Ordinance
- March 25th Review and discussion
- April 1st Adoption of an Ordinance

The staff team continues to gather information on this topic and will provide additional information to the Mayor and Council. Staff will be present to respond to questions or concerns.

c. file

COUNCIL OF THE TOWN OF RIVERDALE PARK

Ordinance No. 2019-OR-XX

Introduced By:

Date Introduced:

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY

FOR the purpose of providing certain standards and regulations 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; providing for fees and annual charges; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

BY adding
Chapter 71, Wireless Telecommunications Facilities in Public Rights-Of-Way
Sections 71-1 through 71-13, inclusive

WHEREAS, pursuant to §5-201, *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Riverdale Park (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

Key:
CAPS

: Indicate matter added to existing law.

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Council of the Town of Riverdale Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the Town Charter, Article VIII, “Public Ways and Sidewalks”, §802, “Control of Public Ways”, authorizes the Town to control its rights-of-way and maintain the rights-of-way in good condition; and

WHEREAS, the Council determined that it is in the public interest to provide for regulation of 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 71, “Wireless Telecommunications Facilities in Public Rights-Of-Way”, consisting of Sections 71-1 through 71-13, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 70 of the Code and to read as follows:

**CHAPTER 71, WIRELESS TELECOMMUNICATIONS FACILITIES
IN PUBLIC RIGHTS-OF-WAY**

SECTION 71-1. SCOPE.

A. IN GENERAL. THIS CHAPTER AUTHORIZES ONLY THE INSTALLATION OF SMALL WIRELESS FACILITIES IN THE TOWN RIGHTS-OF-WAY. UNLESS EXEMPTED, EVERY PERSON WHO DESIRES TO PLACE A SMALL WIRELESS FACILITY IN A TOWN RIGHT-OF-WAY, INCLUDING DEPLOYMENT OF PERSONAL WIRELESS SERVICE INFRASTRUCTURE, OR TO MODIFY AN EXISTING SMALL WIRELESS FACILITY, INCLUDING WITHOUT LIMITATION FOR THE:

- (1) COLLOCATION OF A SMALL WIRELESS FACILITY;
- (2) ATTACHMENT OF A SMALL WIRELESS FACILITY TO A POLE OWNED BY AN AUTHORITY;
- (3) INSTALLATION OF A POLE; OR
- (4) MODIFICATION OF A SMALL WIRELESS FACILITY OR A POLE,

MUST OBTAIN A WIRELESS PLACEMENT PERMIT AUTHORIZING THE PLACEMENT OR MODIFICATION.

B. EXEMPTIONS. THE FOLLOWING ARE EXEMPTED FROM THE REQUIREMENTS OF THIS CHAPTER:

- (1) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES ON SUPPORTING STRUCTURES OWNED, OR UNDER THE CONTROL OF, THE TOWN, THE USE OF WHICH IS SUBJECT TO A CONTRACT FOR USE OF THE FACILITY BETWEEN THE TOWN AND THE ENTITY OR ENTITIES THAT OWN OR CONTROL THE WIRELESS TELECOMMUNICATIONS FACILITY;
- (2) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES BY THE TOWN OR BY ANY OTHER AGENCY OF THE STATE SOLELY FOR PUBLIC SAFETY PURPOSES.
- (3) MODIFICATIONS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT MAKES NO MATERIAL CHANGE TO THE FOOTPRINT OF THE FACILITY OR TO THE SURFACE OR SUBSURFACE OF A PUBLIC STREET IF THE ACTIVITY DOES NOT DISRUPT OR IMPEDE TRAFFIC IN THE TRAVELED PORTION OF A STREET, AND IF THE WORK ACTIVITY DOES NOT CHANGE THE VISUAL OR AUDIBLE CHARACTERISTICS OF THE WIRELESS TELECOMMUNICATIONS FACILITY. THE TOWN, BY REGULATION, MAY ALSO EXEMPT WIRELESS TELECOMMUNICATIONS FACILITIES THAT OTHERWISE ARE SUBJECT TO THE PROVISIONS OF THIS SECTION FROM THE OBLIGATION TO OBTAIN A PERMIT TO INSTALL OR MODIFY A WIRELESS TELECOMMUNICATIONS FACILITY WHERE IT IS DETERMINED THAT BECAUSE OF THE PHYSICAL CHARACTERISTICS OF THE PROPOSED FACILITIES, AND THE WORK ASSOCIATED WITH THEM, SUCH A PERMIT IS NOT REQUIRED TO PROTECT THE PUBLIC HEALTH, WELFARE OR SAFETY, TO MAINTAIN THE CHARACTER OF A NEIGHBORHOOD OR CORRIDOR, OR TO OTHERWISE SERVE THE PURPOSES OF THIS ORDINANCE.
- (4) INSTALLATION OF A MOBILE CELL FACILITY OR A SIMILAR STRUCTURE FOR A TEMPORARY PERIOD IN CONNECTION WITH AN EMERGENCY OR EVENT, BUT NO LONGER THAN REQUIRED FOR THE EMERGENCY OR EVENT, PROVIDED THAT INSTALLATION DOES NOT INVOLVE EXCAVATION, MOVEMENT OR REMOVAL OF EXISTING FACILITIES, AND THAT AT LEAST 30 DAYS PRIOR WRITTEN NOTIFICATION IS PROVIDED TO THE TOWN, AND CONSENT FOR PLACEMENT IS GRANTED.

- (5) A MICRO WIRELESS FACILITY STRUNG BETWEEN TWO UTILITY POLES AND PROVIDED FURTHER THAT THE INSTALLATION DOES NOT REQUIRE REPLACEMENT OF THE STRAND, OR EXCAVATION, MODIFICATION OR REPLACEMENT OF THE UTILITY POLES.

C. OTHER APPLICABLE REQUIREMENTS. IN ADDITION TO THE WIRELESS TELECOMMUNICATIONS PERMIT REQUIRED BY THIS CHAPTER, THE PLACEMENT OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE PUBLIC RIGHTS-OF-WAY REQUIRES THE PERSONS WHO WILL OWN OR CONTROL THOSE FACILITIES TO OBTAIN THE FRANCHISES, LICENSE AGREEMENTS AND PERMITS REQUIRED BY APPLICABLE LAW, AND TO COMPLY WITH APPLICABLE LAW, INCLUDING, BUT NOT LIMITED TO, APPLICABLE LAW GOVERNING RADIO FREQUENCY (RF) EMISSIONS. NOTHING IN THIS CHAPTER PRECLUDES THE TOWN FROM APPLYING ITS GENERALLY APPLICABLE HEALTH, SAFETY, AND WELFARE REGULATIONS WHEN GRANTING CONSENT FOR A SMALL WIRELESS FACILITY OR WIRELESS SUPPORT STRUCTURE IN THE TOWN'S RIGHT-OF-WAY.

D. PUBLIC USE. EXCEPT AS OTHERWISE PROVIDED BY MARYLAND LAW, ANY USE OF A RIGHT-OF-WAY AUTHORIZED PURSUANT TO THIS CHAPTER IS SUBORDINATE TO THE TOWN'S USE AND USE BY THE PUBLIC.

SECTION 71-2. DEFINITIONS.

TERMS USED IN THIS ARTICLE SHALL HAVE THE FOLLOWING MEANINGS:

A. APPLICATION: A FORMAL REQUEST, INCLUDING ALL REQUIRED AND REQUESTED DOCUMENTATION AND INFORMATION SUBMITTED BY AN APPLICANT TO THE TOWN FOR A WIRELESS PLACEMENT PERMIT.

B. APPLICANT: A PERSON FILING AN APPLICATION FOR PLACEMENT OR MODIFICATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE RIGHTS-OF-WAY.

C. ANTENNA: AN APPARATUS DESIGNED TO EMIT RADIO FREQUENCY (RF) AND OPERATE FROM A FIXED LOCATION TO PROVIDE WIRELESS SERVICES.

D. ANTENNA EQUIPMENT: EQUIPMENT, SWITCHES, WIRING, CABLING, POWER SOURCES, SHELTERS OR CABINETS ASSOCIATED WITH AN ANTENNA, LOCATED AT THE SAME FIXED LOCATION AS THE ANTENNA, AND, WHEN COLLOCATED ON A STRUCTURE, IS MOUNTED OR INSTALLED AT THE SAME TIME AS SUCH ANTENNA.

E. APPLICABLE LAWS/CODES: UNIFORM BUILDING, FIRE, SAFETY, ELECTRICAL, PLUMBING, OR MECHANICAL CODES ADOPTED BY A RECOGNIZED NATIONAL CODE ORGANIZATION TO THE EXTENT SUCH CODES HAVE BEEN ADOPTED BY THE TOWN, INCLUDING ANY AMENDMENTS ADOPTED BY THE TOWN, OR OTHERWISE ARE APPLICABLE IN THE TOWN. THE TERM INCLUDES THE REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION AS WELL AS ANY TOWN OF PRINCE GEORGE'S COUNTY STANDARDS OR REGULATIONS GOVERNING THE USE OF RIGHTS-OF-WAY.

F. BASE STATION: BASE STATION SHALL HAS THE SAME MEANING AS IN 47 C.F.R. SECTION 1.40001.

G. CERTIFICATE OF COMPLETION: A DOCUMENT THAT IS REQUIRED FROM AND ISSUED BY THE TOWN CONFIRMING THAT ALL WORK DESCRIBED IN THE APPLICATION, AS APPROVED:

- (1) WAS PROPERLY PERMITTED, INCLUDING, WITHOUT LIMITATION, ALL REQUIRED PERMITS FOR BUILDING, ELECTRICAL WORK, STREET OR CURB CUTTING, AND EXCAVATION;
- (2) WAS DONE IN COMPLIANCE WITH AND FULFILLMENT OF ALL CONDITIONS OF ALL PERMITS, INCLUDING ALL STATED DEADLINES;
- (3) WAS FULLY CONSTRUCTED AND/OR PLACED AS APPROVED AND PERMITTED; AND
- (4) WAS FINALLY INSPECTED BY THE TOWN, AND WAS APPROVED BY THE TOWN AFTER THE FINAL INSPECTION.

H. COLLOCATE: TO INSTALL OR MOUNT A SMALL WIRELESS FACILITY IN THE PUBLIC RIGHT-OF-WAY ON AN EXISTING SUPPORT STRUCTURE, AN EXISTING TOWER, OR ON AN EXISTING POLE TO WHICH A SMALL WIRELESS FACILITY IS ATTACHED AT THE TIME OF THE APPLICATION. "COLLOCATION" HAS A CORRESPONDING MEANING.

I. MAKE-READY WORK: WORK THAT AN AUTHORITY REASONABLY DETERMINES TO BE REQUIRED TO ACCOMMODATE A WIRELESS INFRASTRUCTURE PROVIDER'S INSTALLATION UNDER THIS CHAPTER AND TO COMPLY WITH ALL APPLICABLE STANDARDS. THE WORK MAY INCLUDE, BUT IS NOT LIMITED TO, REPAIR, REARRANGEMENT, REPLACEMENT AND CONSTRUCTION OF POLE; INSPECTIONS; ENGINEERING WORK AND CERTIFICATION; PERMITTING WORK; TREE TRIMMING (OTHER THAN TREE TRIMMING PERFORMED FOR NORMAL MAINTENANCE PURPOSES); SITE

PREPARATION; AND ELECTRICAL POWER CONFIGURATION. THE TERM DOES NOT INCLUDE A WIRELESS INFRASTRUCTURE PROVIDER'S ROUTINE MAINTENANCE.

J. RIGHT-OF-WAY: THE TERM RIGHT-OF-WAY INCLUDES ANY PORTION OF ANY STREET, ROAD OR PUBLIC WAY WHICH THE TOWN HAS THE RESPONSIBILITY TO MAINTAIN OR MANAGE.

K. MICRO WIRELESS FACILITY: A SMALL WIRELESS FACILITY HAVING DIMENSIONS NO LARGER THAN 24 INCHES IN LENGTH, 15 INCHES IN WIDTH AND 12 INCHES IN HEIGHT AND AN EXTERIOR ANTENNA, IF ANY, NO LONGER THAN 11 INCHES.

L. SMALL WIRELESS FACILITY: A SMALL WIRELESS FACILITY IS A WIRELESS TELECOMMUNICATIONS FACILITY. CONSISTENT WITH CODE OF FEDERAL REGULATIONS, SUBPART U, PART 1 OF TITLE 47, "STATE AND LOCAL GOVERNMENT REGULATION OF THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICE FACILITIES", A FACILITY THAT MEETS EACH OF THE FOLLOWING CONDITIONS:

(1) THE STRUCTURE ON WHICH ANTENNA FACILITIES ARE MOUNTED:

- I. IS 50 FEET OR LESS IN HEIGHT, OR
- II. IS NO MORE THAN 10 PERCENT TALLER THAN OTHER ADJACENT STRUCTURES, OR
- III. IS NOT EXTENDED TO A HEIGHT OF MORE THAN 10 PERCENT ABOVE ITS PREEXISTING HEIGHT AS A RESULT OF THE COLLOCATION OF NEW ANTENNA FACILITIES; AND

(2) EACH ANTENNA (EXCLUDING ASSOCIATED ANTENNA EQUIPMENT) IS NO MORE THAN THREE CUBIC FEET IN VOLUME; AND

(3) ALL ANTENNA EQUIPMENT ASSOCIATED WITH THE FACILITY (EXCLUDING ANTENNAS) ARE CUMULATIVELY NO MORE THAN 28 CUBIC FEET IN VOLUME; AND

(4) THE FACILITY DOES NOT REQUIRE ANTENNA STRUCTURE REGISTRATION;

(5) THE FACILITY DOES NOT RESULT IN HUMAN EXPOSURE TO RADIOFREQUENCY RADIATION IN EXCESS OF THE APPLICABLE SAFETY STANDARDS SPECIFIED BY FEDERAL LAW

M. SUPPORT STRUCTURE: ANY STRUCTURE CAPABLE OF SUPPORTING A BASE STATION.

N. TOWER: ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANY FCC-LICENSED OR AUTHORIZED ANTENNAS AND THEIR ASSOCIATED FACILITIES, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE. THIS DEFINITION DOES NOT INCLUDE UTILITY POLES.

O. UTILITY POLE: A STRUCTURE IN THE RIGHT-OF-WAY DESIGNED TO SUPPORT ELECTRIC, TELEPHONE AND SIMILAR UTILITY LINES. A TOWER IS NOT A UTILITY POLE.

P. WIRELESS PERMIT: A PERMIT ISSUED PURSUANT TO THIS CHAPTER AND AUTHORIZING THE PLACEMENT OR MODIFICATION OF A WIRELESS TELECOMMUNICATIONS FACILITY OF A DESIGN SPECIFIED IN THE PERMIT AT A PARTICULAR LOCATION WITHIN THE RIGHTS-OF-WAY; AND THE MODIFICATION OF ANY EXISTING SUPPORT STRUCTURE TO WHICH THE WIRELESS TELECOMMUNICATIONS FACILITY IS PROPOSED TO BE ATTACHED.

Q. WIRELESS SERVICE PROVIDER. AN ENTITY THAT PROVIDES WIRELESS SERVICES TO END USERS.

R. WIRELESS INFRASTRUCTURE PROVIDER: A PERSON THAT OWNS, CONTROLS, OPERATES OR MANAGES A WIRELESS TELECOMMUNICATION FACILITY OR PORTION THEREOF WITHIN THE RIGHT-OF-WAY.

S. WIRELESS REGULATIONS: THOSE REGULATIONS ADOPTED TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

T. WIRELESS TELECOMMUNICATIONS FACILITY, OR FACILITY: EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK INCLUDING WITHOUT LIMITATION RADIO TRANSCEIVERS, ANTENNAS, BASE STATION, UNDERGROUND WIRING, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.

SECTION 71-3. GENERAL STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY.

- A. GENERALLY. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL MEET THE MINIMUM REQUIREMENTS SET FORTH IN THIS CHAPTER AND ANY WIRELESS REGULATIONS APPROVED BY THE MAYOR AND COUNCIL, IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE LAW.
- B. REGULATIONS. THE WIRELESS REGULATIONS AND ADMINISTRATIVE DECISIONS ON APPLICATIONS FOR PLACEMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY OR ON TOWN PROPERTY SHALL, AT A MINIMUM, ENSURE THAT THE REQUIREMENTS OF THIS SECTION ARE SATISFIED, UNLESS IT IS DETERMINED THAT APPLICANT HAS ESTABLISHED THAT DENIAL OF AN APPLICATION WOULD, WITHIN THE MEANING OF FEDERAL LAW, PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF PERSONAL WIRELESS SERVICES, OR OTHERWISE VIOLATE APPLICABLE LAWS OR REGULATIONS. IF THAT DETERMINATION IS MADE, THE REQUIREMENTS OF THIS CHAPTER AND ANY TOWN WIRELESS REGULATIONS MAY BE WAIVED, BUT ONLY TO THE MINIMUM EXTENT REQUIRED TO AVOID THE PROHIBITION.
- C. STANDARDS. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE INSTALLED AND MODIFIED IN A MANNER THAT:
 - (1) MINIMIZES RISKS TO PUBLIC SAFETY, AVOIDS PLACEMENT OF ABOVE GROUND FACILITIES IN UNDERGROUND AREAS, AVOIDS INSTALLATION OF NEW SUPPORT STRUCTURES OR EQUIPMENT CABINETS IN THE PUBLIC RIGHTS-OF-WAY, MAXIMIZES USE OF EXISTING STRUCTURES AND POLES, AVOIDS PLACEMENT IN RESIDENTIAL AREAS WHEN COMMERCIAL AREAS ARE REASONABLY AVAILABLE, AND OTHERWISE MAINTAINS THE INTEGRITY AND CHARACTER OF THE NEIGHBORHOODS AND CORRIDORS IN WHICH THE FACILITIES ARE LOCATED;
 - (2) ENSURES THAT INSTALLATIONS ARE SUBJECT TO PERIODIC REVIEW TO MINIMIZE THE INTRUSION ON THE RIGHTS-OF-WAY;
 - (3) UNLESS APPROVED BY THE TOWN, ANY WIRELESS TELECOMMUNICATIONS FACILITY MUST BE LOCATED NO CLOSER THAN:
 - I. TWO (2) FEET FROM ANY CURB, SIDEWALK, OR OTHER

IMPROVEMENT WITHIN THE RIGHT-OF-WAY; AND

II. FIVE (5) FEET FROM ANY DRIVEWAY APRON; AND

BE OTHERWISE LOCATED TO AVOID INTERFERENCE WITH PEDESTRIAN AND MOTORIST SIGHTLINES AND USE.

- (4) ENSURES THAT THE TOWN BEARS NO RISK OR LIABILITY AS A RESULT OF THE INSTALLATIONS, AND THAT SUCH USE DOES NOT INCONVENIENCE THE PUBLIC, INTERFERE WITH THE LEGAL USES OF THE PUBLIC RIGHTS OF WAY OR PUBLIC ASSETS BY OTHERS, OR HINDER THE ABILITY OF THE TOWN OR OTHER GOVERNMENT AGENCIES TO IMPROVE, MODIFY, RELOCATE, ABANDON OR VACATE THE PUBLIC RIGHTS-OF-WAY OR ANY PORTION THEREOF, OR TO CAUSE THE IMPROVEMENT, MODIFICATION, RELOCATION, VACATION OR ABANDONMENT OF FACILITIES IN THE RIGHTS-OF-WAY.
- (5) ENSURES THAT LOCATION OF FACILITIES ON EXISTING POLES OR STRUCTURES IS WITHIN THE TOLERANCE OF THOSE POLES OR STRUCTURES.

D. CONCEALMENT. PERMITS FOR WIRELESS TELECOMMUNICATIONS FACILITIES SHALL INCORPORATE SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, AND DESIGN REQUIREMENTS ENSURING COMPLIANCE WITH ALL STANDARDS FOR NOISE EMISSIONS. UNLESS IT IS DETERMINED THAT ANOTHER DESIGN IS LESS INTRUSIVE, OR PLACEMENT IS REQUIRED UNDER APPLICABLE LAW:

- (1) ANTENNAS LOCATED AT THE TOP OF SUPPORT STRUCTURES SHALL BE INCORPORATED INTO THE STRUCTURE, OR PLACED WITHIN SHROUDS OF A SIZE SUCH THAT THE ANTENNA APPEARS TO BE PART OF THE SUPPORT STRUCTURE.
- (2) ANTENNAS PLACED ELSEWHERE ON A SUPPORT STRUCTURE SHALL BE INTEGRATED INTO THE STRUCTURE, OR BE DESIGNED AND PLACED TO MINIMIZE VISUAL IMPACT.
- (3) RADIO UNITS OR EQUIPMENT CABINETS HOLDING RADIO UNITS AND MOUNTED ON A UTILITY POLE SHALL BE PLACED AS HIGH AS POSSIBLE ON A SUPPORT STRUCTURE, LOCATED TO AVOID INTERFERING WITH, OR CREATING ANY HAZARD TO, ANY OTHER USE OF THE PUBLIC RIGHTS-OF-WAY, AND LOCATED ON ONE SIDE

OF THE UTILITY POLE. UNLESS THE RADIO UNITS OR EQUIPMENT CABINETS CAN BE CONCEALED BY APPROPRIATE TRAFFIC SIGNAGE, RADIO UNITS OR EQUIPMENT CABINETS MOUNTED BELOW THE COMMUNICATIONS SPACE ON UTILITY POLES SHALL BE DESIGNED SO THAT THE LARGEST DIMENSION IS VERTICAL, AND THE WIDTH IS SUCH THAT THE RADIO UNITS OR EQUIPMENT CABINETS ARE MINIMALLY VISIBLE FROM THE OPPOSITE SIDE OF THE SUPPORT STRUCTURE ON WHICH THEY ARE PLACED.

- (4) WIRING AND CABLING SHALL BE NEAT AND CONCEALED WITHIN OR FLUSH TO THE SUPPORT STRUCTURE, ENSURING CONCEALMENT OF THESE COMPONENTS TO THE GREATEST EXTENT POSSIBLE.
- (5) GROUND-MOUNTED EQUIPMENT ASSOCIATED WITH A WIRELESS TELECOMMUNICATIONS FACILITY SHALL BE PERMITTED ONLY WHERE CONSISTENT WITH THE PORTION OF THE CORRIDOR IN WHICH IT IS TO BE PLACED, AND MAY BE REQUIRED TO BE UNDERGROUND, LOCATED IN ALLEYS OR OTHERWISE SHIELDED. IN NO EVENT MAY GROUND-MOUNTED EQUIPMENT INTERFERE WITH PEDESTRIAN OR VEHICULAR TRAFFIC.
- (6) NO PERMIT SHALL BE ISSUED OR EFFECTIVE UNLESS IT IS SHOWN THAT THE WIRELESS TELECOMMUNICATIONS FACILITY WILL COMPLY WITH FEDERAL COMMUNICATION COMMISSION ("FCC") REGULATIONS GOVERNING RADIO FREQUENCY ("RF") EMISSIONS. EVERY WIRELESS FACILITY SHALL AT ALL TIMES COMPLY WITH APPLICABLE FCC REGULATIONS GOVERNING RF EMISSIONS, AND FAILURE TO COMPLY THEREWITH SHALL BE A TREATED AS A MATERIAL VIOLATION OF THE TERMS OF ANY PERMIT OR LEASE.
- (7) NO TOWERS SHALL BE PERMITTED IN THE PUBLIC RIGHTS-OF-WAY, AND NO WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE PERMITTED ABOVE-GROUND IN UNDERGROUND AREAS; PROVIDED THAT THE TOWN MAY PERMIT PLACEMENTS WHERE ALL ELEMENTS OF THE WIRELESS TELECOMMUNICATIONS FACILITY ARE CONCEALED AND THE FACILITY DOES NOT APPEAR TO A CASUAL OBSERVER TO BE A WIRELESS TELECOMMUNICATIONS FACILITY.
- (8) NO PERMIT SHALL ISSUE EXCEPT TO WIRELESS SERVICE PROVIDERS WITH IMMEDIATE PLANS FOR USE OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY; OR TO WIRELESS INFRASTRUCTURE PROVIDERS WITH CONTRACTS WITH WIRELESS

SERVICE PROVIDERS WHICH REQUIRE THE SERVICE PROVIDER IMMEDIATELY TO USE THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.

(9) UNLESS APPROPRIATELY PLACED, AND CONCEALED, SO THAT THE SIZE OF THE FACILITY CANNOT BE INCREASED EXCEPT WITH THE DISCRETIONARY APPROVAL OF THE TOWN, NO WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN RIGHTS-OF-WAY IN ALLEYS.

(10) NO WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN ANY LOCAL HISTORIC DISTRICT WITHOUT THE APPROVAL OF THE PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION.

SECTION 71-4. APPLICATION SUBMISSION REQUIREMENTS AND FINAL INSPECTION.

A. SUBMISSION. APPLICANT SHALL SUBMIT A PAPER COPY AND AN ELECTRONIC COPY OF ANY APPLICATION, AMENDMENTS OR SUPPLEMENTS TO AN APPLICATION, OR RESPONSES TO REQUESTS FOR INFORMATION REGARDING AN APPLICATION, TO THE TOWN MANAGER OR DESIGNEE.

B. CONTENT. AN APPLICATION MUST CONTAIN:

(1) THE NAME OF THE APPLICANT, ITS TELEPHONE NUMBER AND CONTACT INFORMATION, AND IF THE APPLICANT IS A WIRELESS INFRASTRUCTURE PROVIDER, THE NAME AND CONTACT INFORMATION FOR THE WIRELESS SERVICE PROVIDER THAT WILL BE USING THE WIRELESS TELECOMMUNICATIONS FACILITY;

(2) A COMPLETE DESCRIPTION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AND THE WORK THAT WILL BE REQUIRED TO INSTALL OR MODIFY IT, INCLUDING BUT NOT LIMITED TO DETAIL REGARDING PROPOSED EXCAVATIONS, IF ANY; DETAILED SITE PLANS SHOWING THE LOCATION OF THE WIRELESS TELECOMMUNICATIONS FACILITY; A PRE-CONSTRUCTION SURVEY; A PROPOSED SCHEDULE FOR COMPLETION, CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER; A CERTIFICATION BY A RADIO FREQUENCY ENGINEER THAT THE TELECOMMUNICATIONS FACILITY WILL COMPLY WITH THE RADIO FREQUENCY RADIATION EMISSION STANDARDS ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION; AND A DESCRIPTION OF THE DISTANCE TO THE NEAREST RESIDENTIAL

DWELLING UNIT AND ANY CONTRIBUTING HISTORICAL STRUCTURE WITHIN 500 FEET OF THE FACILITY. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED. THE ELECTRONIC VERSION OF AN APPLICATION MUST BE IN A STANDARD FORMAT THAT CAN BE EASILY UPLOADED ON A WEB PAGE FOR REVIEW BY THE PUBLIC.

- (3) AN APPLICATION FOR MODIFICATION OF AN ELIGIBLE SUPPORT STRUCTURE MUST CONTAIN INFORMATION SUFFICIENT TO SHOW THAT THE APPLICATION QUALIFIES UNDER OF 47 C.F.R. SECTION 1.40001. THE APPLICATION MUST RELATE TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT HAS BEEN APPROVED BY THE TOWN PURSUANT TO THIS ARTICLE. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED WITH DETAILED SPECIFICATIONS DEMONSTRATING THAT THE MODIFICATION DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE EXISTING APPROVED STRUCTURE.
- (4) AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED IN THE FORMAT AND MANNER SPECIFIED BY THE TOWN ADMINISTRATOR. APPLICATIONS MUST CONTAIN ALL INFORMATION REQUIRED BY THIS SECTION AND BY ANY WIRELESS REGULATIONS TO DEMONSTRATE THAT APPLICANT IS ENTITLED TO THE PERMIT REQUESTED.
- (5) APPLICANT MUST PROVIDE ANY INFORMATION UPON WHICH IT RELIES IN SUPPORT OF A CLAIM THAT DENIAL OF THE APPLICATION WOULD PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF SERVICE IN VIOLATION OF FEDERAL LAW, OR OTHERWISE VIOLATE APPLICABLE LAW. APPLICANTS MAY NOT SUPPLEMENT THIS SHOWING IF DOING SO WOULD PREVENT TOWN FROM COMPLYING WITH ANY DEADLINE FOR ACTION ON AN APPLICATION.
- (6) PROOF THAT NOTICE HAS BEEN MAILED TO OWNERS OF ALL PROPERTY, AND THE RESIDENT MANAGER FOR ANY MULTI-FAMILY DWELLING UNIT THAT INCLUDES TEN (10) OR MORE UNITS, WITHIN 300 FEET OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.
- (7) A COPY OF ANY POLE OR STRUCTURE ATTACHMENT AGREEMENT MUST BE PROVIDED, AS WELL AS SUFFICIENT INFORMATION TO DETERMINE THAT THE INSTALLATION CAN BE SUPPORTED BY AND DOES NOT EXCEED THE TOLERANCES OF THE POLE OR STRUCTURE

AND SPECIFICATIONS FOR EACH ELEMENT OF THE WIRELESS TELECOMMUNICATIONS FACILITY, CLEARLY DESCRIBING THE SITE AND ALL STRUCTURES AND FACILITIES AT THE SITE BEFORE AND AFTER INSTALLATION OR MODIFICATION; A STRUCTURAL REPORT PERFORMED BY A DULY LICENSED ENGINEER EVIDENCING THAT THE POLE, TOWER OR SUPPORT STRUCTURE CAN ADEQUATELY SUPPORT THE COLLOCATION (OR THAT THE POLE, TOWER, OR SUPPORT STRUCTURE WILL BE MODIFIED TO MEET STRUCTURAL REQUIREMENTS) IN ACCORDANCE WITH APPLICABLE CODES.

(8) PAYMENT OF ANY REQUIRED FEES.

(9) BEFORE A PERMIT IS ISSUED, A CONCURRENT AGREEMENT TO ANY REQUIRED FRANCHISE, ACCESS OR LICENSE AGREEMENT MUST BE PROVIDED.

C. FEES. APPLICANT MUST PROVIDE AN APPLICATION FEE, AND SHALL BE REQUIRED TO PAY ALL COSTS REASONABLY INCURRED BY THE TOWN IN REVIEWING THE APPLICATION, INCLUDING COSTS INCURRED IN RETAINING OUTSIDE CONSULTANTS. APPLICANT SHALL ALSO PAY AN ACCESS FEE. FEES SHALL BE REVIEWED PERIODICALLY, AND RAISED OR LOWERED BASED ON COSTS THE TOWN EXPECTS TO INCUR.

D. THE TOWN MAY ELECT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION AND HOLD A PUBLIC HEARING PRIOR TO THE APPROVAL OF AN APPLICATION. IF THE TOWN ELECTS TO HOLD A PUBLIC HEARING ON AN APPLICATION, THE APPLICANT SHALL BE REPRESENTED AT THE PUBLIC HEARING AND BE AVAILABLE TO ANSWER INQUIRIES ABOUT THE APPLICATION.

E. AS PART OF THE PERMIT PROCESS, THE TOWN MAY REQUIRE A WIRELESS TELECOMMUNICATIONS FACILITY TO BE FULLY OPERATIONAL WITHIN A SPECIFIED PERIOD AFTER THE DATE THE LAST OR FINAL PERMIT IS ISSUED, UNLESS THE TOWN AND THE APPLICANT AGREE TO EXTEND THE PERIOD.

F. WAIVERS. REQUESTS FOR WAIVERS FROM ANY REQUIREMENT OF THIS CHAPTER SHALL BE MADE IN WRITING TO THE TOWN MANAGER OR DESIGNEE. THE TOWN MANAGER OR DESIGNEE MAY GRANT A REQUEST FOR WAIVER IF IT IS DEMONSTRATED THAT, NOTWITHSTANDING THE ISSUANCE OF A WAIVER, THE TOWN WILL BE PROVIDED ALL INFORMATION NECESSARY TO UNDERSTAND THE NATURE OF THE CONSTRUCTION OR OTHER ACTIVITY TO BE CONDUCTED PURSUANT TO THE PERMIT SOUGHT.

G. PROCESSING OF APPLICATIONS. FOR SMALL WIRELESS FACILITIES, PERSONAL WIRELESS FACILITIES, AS THOSE TERMS ARE DEFINED UNDER FEDERAL LAW, AND ELIGIBLE FACILITIES REQUESTS, AS THAT TERM IS DEFINED UNDER FEDERAL LAW, APPLICATIONS WILL BE PROCESSED IN CONFORMITY WITH STATE, LOCAL AND FEDERAL LAW, AS AMENDED. CURRENTLY, THE FCC HAS REQUIRED THAT SUCH APPLICATIONS BE PROCESSED WITHIN 60 DAYS OF RECEIPT OF A COMPLETED APPLICATION FOR FACILITIES THAT WILL BE COLLOCATED ON PREEXISTING STRUCTURES, AND 90 DAYS FOR NEW CONSTRUCTION.

H. REJECTION FOR INCOMPLETENESS. NOTICES OF INCOMPLETENESS SHALL BE PROVIDED IN CONFORMITY WITH STATE, AND LOCAL AND FEDERAL LAW. IF SUCH AN APPLICATION IS INCOMPLETE, IT MAY BE REJECTED BY A WRITTEN ORDER SPECIFYING THE MATERIAL OMITTED FROM THE APPLICATION, OR THE TOWN MAY NOTIFY THE APPLICANT OF THE MATERIAL OMITTED AND PROVIDE AN OPPORTUNITY TO SUBMIT THE MISSING MATERIAL. THE TIME IMPOSED BY FEDERAL, STATE OR LOCAL LAW FOR THE PROCESSING OF AN APPLICATION DOES NOT BEGIN TO RUN UNTIL AN APPLICATION IS COMPLETE.

I. FINAL INSPECTION. UPON COMPLETION OF THE APPROVED WORK, THE APPLICANT MUST FILE A STATEMENT OF THE PROFESSIONAL OPINION BY AN INDEPENDENT, QUALIFIED ENGINEER LICENSED IN THE STATE OF MARYLAND THAT INDICATES THAT THE INSTALLATION, BASED UPON THE ENGINEER'S ACTUAL INSPECTIONS, IN THE ENGINEER'S OPINION AND TO THE BEST OF THE ENGINEER'S KNOWLEDGE, MEETS THE REQUIREMENTS OF THE APPROVED PLAN DOCUMENTS, THIS ARTICLE AND OTHER APPLICABLE LAW. CERTIFICATIONS MUST BE SIGNED AND SEALED BY THE QUALIFIED ENGINEER MAKING THE STATEMENT. UPON RECEIPT OF THE STATEMENT, AND ANY REQUIRED TOWN INSPECTION, THE WORK MAY BE ACCEPTED AND A CERTIFICATE OF COMPLETION MAY BE ISSUED BY THE TOWN.

SECTION 71-5. TERMINATION OF PERMIT/BREACH.

A. FOR BREACH. A WIRELESS TELECOMMUNICATIONS PERMIT MAY BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE PERMIT, FRANCHISE, LICENSE OR APPLICABLE LAW. UPON REVOCATION, THE WIRELESS TELECOMMUNICATIONS FACILITY MUST BE REMOVED WITHIN 30 DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF SUPPORT STRUCTURE OWNED BY TOWN, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE

RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE TOWN. ALL COSTS INCURRED BY THE TOWN IN CONNECTION WITH THE REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.

B. FOR INSTALLATION WITHOUT A PERMIT. A WIRELESS TELECOMMUNICATIONS FACILITY INSTALLED WITHOUT A WIRELESS PERMIT (EXCEPT FOR THOSE EXEMPTED BY THIS ARTICLE) MUST BE REMOVED WITHIN 30 DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF A SUPPORT STRUCTURE OWNED BY THE TOWN, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE TOWN. ALL COSTS INCURRED BY THE TOWN IN CONNECTION WITH THE REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.

C. TERM. A WIRELESS PERMIT, OTHER THAN A PERMIT ISSUED PURSUANT TO AN ELIGIBLE FACILITIES REQUEST, SHALL BE VALID FOR A PERIOD OF FIVE (5) YEARS. AN ELIGIBLE FACILITIES PERMIT SHALL EXPIRE AT THE SAME TIME THE PERMIT FOR THE UNDERLYING EXISTING WIRELESS TELECOMMUNICATIONS FACILITY EXPIRES. A PERSON HOLDING A WIRELESS TELECOMMUNICATIONS PERMIT MUST EITHER REMOVE THE WIRELESS TELECOMMUNICATIONS FACILITY UPON EXPIRATION (PROVIDED THAT REMOVAL OF A SUPPORT STRUCTURE OWNED BY THE TOWN, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT-OF-WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE TOWN); OR, AT LEAST 90 DAYS PRIOR TO EXPIRATION, MUST SUBMIT AN APPLICATION TO RENEW THE PERMIT, WHICH APPLICATION MUST DEMONSTRATE THAT THE IMPACT OF THE WIRELESS TELECOMMUNICATIONS FACILITY CANNOT BE REDUCED. THE WIRELESS TELECOMMUNICATIONS FACILITY MUST REMAIN IN PLACE UNTIL IT IS ACTED UPON BY THE TOWN, AND ANY APPEALS FROM THE TOWN'S DECISION ARE EXHAUSTED.

SECTION 71-6. INFRASTRUCTURE OWNED OR CONTROLLED BY THE TOWN.

THE TOWN MAY NEGOTIATE AGREEMENTS FOR USE OF TOWN OWNED OR CONTROLLED LIGHT STANDARDS AND TRAFFIC SIGNALS IN THE PUBLIC RIGHTS-OF-WAY FOR PLACEMENT OF WIRELESS

TELECOMMUNICATIONS FACILITIES ON THOSE STRUCTURES. THE AGREEMENT SHALL SPECIFY THE COMPENSATION TO THE TOWN FOR USE OF THE STRUCTURES. THE PERSON SEEKING THE AGREEMENT SHALL ADDITIONALLY REIMBURSE THE TOWN FOR ALL COSTS THE TOWN INCURS IN CONNECTION WITH ITS REVIEW OF, AND ACTION UPON, THE PERSON'S REQUEST FOR AN AGREEMENT.

SECTION 71-7. INSURANCE.

A. THE TOWN SHALL REQUIRE A WIRELESS INFRASTRUCTURE PROVIDER TO INDEMNIFY AND HOLD HARMLESS THE TOWN AND ITS OFFICIALS, OFFICERS AND EMPLOYEES AGAINST ANY LOSS, DAMAGE, OR LIABILITY TO THE EXTENT THAT IT IS CAUSED BY THE NEGLIGENT OR WILLFUL ACT OR OMISSION OF THE WIRELESS INFRASTRUCTURE PROVIDER WHO OWNS OR OPERATES SMALL WIRELESS FACILITIES OR POLES IN THE RIGHT-OF-WAY, ITS AGENTS, OFFICERS, DIRECTORS, REPRESENTATIVES, EMPLOYEES, AFFILIATES, OR SUBCONTRACTORS, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES.

B. DURING THE PERIOD IN WHICH THE FACILITIES OF A WIRELESS INFRASTRUCTURE PROVIDER ARE LOCATED ON OR ATTACHED TO THE TOWN'S ASSETS OR RIGHTS-OF-WAY, THE TOWN MAY REQUIRE A WIRELESS INFRASTRUCTURE PROVIDER TO:

(1) CARRY, AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE, THE FOLLOWING TYPES OF THIRD-PARTY INSURANCE:

- I. PROPERTY INSURANCE FOR ITS PROPERTY'S REPLACEMENT COST AGAINST ALL RISKS;
- II. WORKERS' COMPENSATION INSURANCE, AS REQUIRED BY LAW; AND
- III. COMMERCIAL GENERAL LIABILITY INSURANCE WITH RESPECT TO ITS ACTIVITIES ON TOWN IMPROVEMENTS OR RIGHTS-OF-WAY TO AFFORD PROTECTION WITH LIMITS NOT INCONSISTENT WITH ITS REQUIREMENTS OF OTHER USERS OF TOWN IMPROVEMENTS OR RIGHTS-OF-WAY, INCLUDING COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE; AND

(2) INCLUDE THE TOWN AS AN ADDITIONAL INSURED ON THE COMMERCIAL GENERAL LIABILITY POLICY AND PROVIDE CERTIFICATION AND DOCUMENTATION OF INCLUSION OF THE TOWN IN A COMMERCIAL GENERAL LIABILITY POLICY AS REASONABLY

REQUIRED BY THE TOWN.

SECTION 71-8. MAKE-READY WORK.

A. THE TOWN MAY PROVIDE A WIRELESS INFRASTRUCTURE PROVIDER THE OPTION OF EITHER HAVING THE WIRELESS INFRASTRUCTURE PROVIDER PERFORM ANY NECESSARY MAKE-READY WORK THROUGH THE USE OF QUALIFIED CONTRACTORS AUTHORIZED BY THE TOWN, OR HAVING THE TOWN PERFORM ANY NECESSARY MAKE-READY WORK AT THE SOLE COST OF THE WIRELESS INFRASTRUCTURE PROVIDER.

B. UPON COMPLETION OF THE MAKE-READY WORK PERFORMED BY THE TOWN AT THE REQUEST OF A WIRELESS INFRASTRUCTURE PROVIDER, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL REIMBURSE THE TOWN FOR THE TOWN'S ACTUAL AND DOCUMENTED COST OF THE MAKE-READY WORK.

SECTION 71-9. RIGHT-OF -WAY REPAIR.

A WIRELESS INFRASTRUCTURE PROVIDER SHALL BE REQUIRED TO PROMPTLY:

- (1) REPAIR ANY DAMAGE TO THE PUBLIC RIGHT-OF-WAY OR ANY DAMAGES TO FACILITIES IN THE RIGHT-OF-WAY DIRECTLY CAUSED BY THE ACTIVITIES OF THE WIRELESS INFRASTRUCTURE PROVIDER AND RETURN THE RIGHT-OF-WAY TO THE RIGHT-OF-WAY'S CONDITION PRIOR TO THE DAMAGES CAUSED BY THE WIRELESS INFRASTRUCTURE PROVIDER.
- (2) REMOVE AND RELOCATE THE PERMITTED SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE EXPENSE TO ACCOMMODATE CONSTRUCTION OF A PUBLIC IMPROVEMENT PROJECT BY THE TOWN. IF THE WIRELESS INFRASTRUCTURE PROVIDER FAILS TO REMOVE OR RELOCATE THE SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE OR PORTION THEREOF AS REQUESTED BY THE TOWN WITHIN 120 DAYS OF THE TOWN'S NOTICE, THEN THE TOWN SHALL BE ENTITLED TO REMOVE THE SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE, OR PORTION THEREOF, AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE, WITHOUT FURTHER NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER. THE WIRELESS INFRASTRUCTURE PROVIDER SHALL, WITHIN 30 DAYS FOLLOWING ISSUANCE OF INVOICE FOR THE SAME, REIMBURSE THE TOWN FOR ITS REASONABLE EXPENSES INCURRED IN THE REMOVAL

(INCLUDING, WITHOUT LIMITATION, OVERHEAD AND STORAGE EXPENSES) OF THE SMALL WIRELESS FACILITIES AND/OR WIRELESS SUPPORT STRUCTURE, OR PORTION THEREOF.

(3) AT ITS SOLE COST AND EXPENSE, PROMPTLY DISCONNECT, REMOVE, OR RELOCATE THE APPLICABLE SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE WITHIN THE TIME FRAME AND IN THE MANNER REQUIRED BY THE TOWN IF THE TOWN REASONABLY DETERMINES THAT THE DISCONNECTION, REMOVAL, OR RELOCATION OF ANY PART OF A SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE:

I. IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, WELFARE, OR TOWN PROPERTY, OR

II. THE WIRELESS INFRASTRUCTURE PROVIDER FAILS TO OBTAIN ALL APPLICABLE LICENSES, PERMITS, AND CERTIFICATIONS REQUIRED BY LAW FOR ITS SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE. IF THE TOWN REASONABLY DETERMINES THAT THERE IS IMMINENT DANGER TO THE PUBLIC, THEN THE TOWN MAY IMMEDIATELY DISCONNECT, REMOVE, OR RELOCATE THE APPLICABLE SMALL WIRELESS FACILITY AND/OR WIRELESS SUPPORT STRUCTURE AT THE WIRELESS INFRASTRUCTURE PROVIDER'S SOLE COST AND EXPENSE.

SECTION 71-10. FACILITIES NO LONGER NEEDED.

A. A WIRELESS INFRASTRUCTURE PROVIDER SHALL PROMPTLY NOTIFY THE TOWN OF A DECISION TO REMOVE FROM SERVICE A WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON A PUBLIC RIGHT-OF-WAY.

B. A WIRELESS INFRASTRUCTURE PROVIDER SHALL REMOVE A WIRELESS TELECOMMUNICATIONS FACILITY THAT IS NO LONGER NEEDED FOR SERVICE AND LOCATED ON A PUBLIC RIGHT-OF-WAY AT THE SOLE COST AND EXPENSE OF THE WIRELESS INFRASTRUCTURE PROVIDER.

C. IF THE TOWN CONCLUDES THAT A WIRELESS TELECOMMUNICATIONS FACILITY HAS BEEN ABANDONED IN PLACE, THE TOWN MAY REMOVE THE FACILITY AND INVOICE THE WIRELESS INFRASTRUCTURE PROVIDER FOR THE ACTUAL AND DOCUMENTED COST INCURRED BY THE TOWN FOR REMOVAL.

D. UNTIL A WIRELESS TELECOMMUNICATIONS FACILITY THAT IS

LOCATED ON PUBLIC RIGHT-OF-WAY IS REMOVED FROM THE PUBLIC RIGHT-OF-WAY, A WIRELESS INFRASTRUCTURE PROVIDER SHALL PAY ALL FEES AND CHARGES DUE THE TOWN, REGARDLESS OF WHETHER THE FACILITY IS OPERATIONAL.

SECTION 71-11. SURETY BONDS.

A. THE TOWN MAY REQUIRE A SURETY BOND FOR WIRELESS INFRASTRUCTURE PROVIDERS.

B. THE PURPOSE OF A SURETY BOND REQUIRED UNDER SUBSECTION A. OF THIS SECTION SHALL BE TO:

- (1) PROVIDE FOR THE REMOVAL OF ABANDONED OR IMPROPERLY MAINTAINED SMALL WIRELESS FACILITIES, INCLUDING THOSE THAT THE TOWN REQUIRES TO BE REMOVED TO PROTECT PUBLIC HEALTH, SAFETY, OR WELFARE, AND RESTORE THE RIGHTS-OF-WAY; AND
- (2) RECOUP RATES OR FEES THAT HAVE NOT BEEN PAID BY A WIRELESS INFRASTRUCTURE PROVIDER, SUBJECT TO THIRTY (30) DAYS PRIOR WRITTEN NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER AND THE OPPORTUNITY TO PAY THE RATES OR FEES OUTSTANDING.

SECTION 71-12. FEES.

THE FOLLOWING ENUMERATIONS ARE THE CURRENT FEES AND CHARGES PAYABLE UNDER THIS CHAPTER.

- (1) APPLICATION FEE: WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED OVERHEAD AND UNDERGROUND WIRING, CABLE, HOSES, PIPES AND SIMILAR FACILITIES:

I.	UP TO FIVE FACILITIES	\$500.00
II.	EACH ADDITIONAL FACILITY	\$100.00
III.	EACH NEW POLE	\$1,000.00
IV.	ACTUAL COST TO REVIEW APPLICATIONS, IF IN EXCESS OF SET FEES	

- (2) ACCESS FEE: \$270 PER SMALL WIRELESS FACILITY PER YEAR

SECTION 71-13. VIOLATIONS.

A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE A MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE OF \$100.00. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

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.



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: February 22, 2019

RE: Appointment of Election Judges and Members of the Board of Election Appeals

Action Requested: No formal action is requested at the February 25th Work Session. Council action is needed to appoint the remaining election judges and members of the Board of Election Appeals for the May 6, 2019 Town election. Action on these items will be tentatively scheduled for the March 4th Legislative Meeting.

Background: On February 4th the Mayor and Council adopted Resolution 2019-R-02 regarding appointment and compensation of Election Judges and Resolution 2019-R-03 regarding appointments to Board of Election Appeals with the understanding that the names of the remaining election judges and members of the Board of Election Appeals would be added. Council action is needed to add the names of the remaining election judges and members of the Board of Election Appeals.

The following code sections are provided as reference material:

§ 29-3. Election officials.

(b) The chief judge and the deputy chief judge shall be appointed from the town at large by the Mayor, and the other judges shall be appointed by the Council members from their respective wards. Four (4) alternates for the judges other than the chief judge and the deputy chief judge, or as many as is deemed necessary, shall also be appointed by the Council members. Appointments shall be confirmed by the Council at a February legislative meeting next preceding the town election in May. In the event no judge or alternate is available from a ward, a judge or alternate may be appointed from the town at large. A judge or alternate must be a qualified voter and be able to read and write the English language.

§ 29-6. Compensation of election officials.

The compensation of judges of election shall be established by the Mayor and Council at the February meeting at which the judges are appointed.

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

www.RiverdaleParkMD.gov

Telephone - 301.927.6381

§ 29-22. Board of Election Appeals.

A Board of Election Appeals shall be appointed at the same time as appointment of the judges of election. The Board shall consist of seven (7) members, one (1) each appointed by the Mayor and each Council member. The duties of the Board shall be to receive petitions and render decisions as described in the preceding section.

Attachments:

Adopted Resolutions

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND
Resolution 2019-R-02

Introduced by: CM Marsha Dixon

Date Introduced: February 4, 2019

Date Adopted: February 4, 2019

Date Effective: February 4, 2019

FOR THE PURPOSE of confirming appointments, and establishing compensation, for Judges for Town election to be held on May 6, 2019.

WHEREAS, Article V of the Town of Riverdale Park Charter governs all Town elections; and

WHEREAS, Section 502 of that Article requires that the Mayor and Council appoint judges and clerks of election; and

WHEREAS, Section 29-3 of the Riverdale Park Town Code provides that the chief judge and deputy chief judge shall be appointed by the Mayor from the Town at-large, and that each Councilmember shall appoint one judge from their respective wards, and that all appointments are subject to confirmation by the Council; and

WHEREAS, the Mayor and Councilmembers have made the appointments as required by Section 29-3 and submitted the appointments to the Council for confirmation; and

WHEREAS, Section 29-6 of the Town Code requires the Mayor and Council to establish compensation of the judges of election at the meeting when the judges are appointed; now, therefore,

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that the Council confirms the appointments of the following individuals to serve as judges for the Town election on May 6, 2019:

Chief Election Judge: Geraldine Gee

Deputy Election Judge: Joseph Mooney

Election Judge Ward 1:

Election Judge Ward 2:

Election Judge Ward 3: Karyn Howard

Election Judge Ward 4:

Election Judge Ward 5:

Election Judge Ward 6:

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that, the judges shall be paid the following rates:

Chief Judge: \$300 for Election Day, \$50 for training and \$12.00 per hour for election preparation.

Deputy Judge: \$200 for Election Day, \$50 for training and \$12.00 per hour for election preparation.

Ward Judges: \$200 for Election Day and \$50 for training.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that this Resolution shall become effective immediately upon its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND
Resolution 2019-R-03

Introduced by: CM Marsha Dixon

Date Introduced: February 4, 2019

Date Adopted: February 4, 2019

Date Effective: February 4, 2019

FOR THE PURPOSE of appointing members of the Board of Election Appeals for the Town election on May 6, 2017.

WHEREAS, Article V of the Town of Riverdale Park Charter governs all Town elections; and

WHEREAS, Section 502 of that Article requires that the Mayor and Council appoint judges and clerks of election; and

WHEREAS, Chapter 29-22 of the Town Code requires the Mayor and Council to appoint seven (7) members, one (1) each appointed by the Mayor and each Council Member, to the Board of Election Appeals;

THEREFORE, be it resolved that:

Mayor and Council appoint the following members of the Board of Election Appeals for the Town election on May 6, 2019:

Mayor:

Ward 1:

Ward 2:

Ward 3:

Ward 4:

Ward 5:

Ward 6:

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor



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: February 22, 2019

RE: DPW repositioning and expanding efforts – Bid No. DPW 19-001 Lawn Mowing and Maintenance Services

Action Requested: Staff requests that at the March 4th Legislative Session, the Mayor and Council authorize the Town Manager to enter into an agreement for Lawn Mowing and Maintenance Services with the successful Bidder of Bid No. DPW 19-001.

Overview:

The Department of Public Works is repositioning itself to focus staff resources and achieve the highest level of service and impact for the Town's residents, businesses, and visitors. Priorities include maintenance of infrastructure systems, community appearance, and pedestrian and traffic safety throughout the Town. These efforts are consistent with the Town's vision and commitment statements. To this end, staff is proposing to outsource lawn mowing and maintenance services at 18 scattered, Town-owned sites that are currently maintained by staff. This decision will make available nearly 4,000 hours of staff time currently devoted to this service over an eight-month period (from April to November) to commit to these priorities.

To this end, the department released an Invitation to Bid for Lawn Mowing and Maintenance Services (Bid No. DPW 19-001) on January 18, 2019. The scope of work includes, but is not limited to, mowing, weed control, planting and maintenance of flower beds, debris removal, and Spring and Fall clean up, respectively, at these sites during the eight-month period. Notable sites include Town Hall, Riverdale Elementary School parkland, the one-mile hiker biker trail, Town parks (Veterans Memorial, Mabel Munch, Oliver Street, and Field of Dreams), Dupont Circle, and linear green space along Lafayette Avenue.

Staff received three responsive bids (four bids in total were submitted) and had a public bid opening on February 13th. Two bids are being considered and staff is currently checking the companies' references and anticipate completing them on Monday, February 25th, before the Council meeting.

Staff will identify the successful Bidder and recommend to the Mayor and Council that the Town Manager execute an agreement with this company for these services with a start date of April 1, 2019 and an end date three years later, on November 30, 2022, with the possibility of two consecutive one-year extensions. Funding for the contract in FY2019 would be from existing vacancy and other savings. The balance of the work to be performed in FY2020 will be incorporated into the FY2020 Proposed Budget.

Staff will be available at the February 27, 2019, Council meeting to answer questions.

c. file



Town of Riverdale Park, Maryland

Office of Finance Services

TO: John N. Lestitian, Town Manager

FROM: Paul Smith, Director of Finance and Employee Services

DATE: February 22, 2019

RE: FY2020 Projected Revenue

Action Requested: No formal action is requested. Staff seek an opportunity to provide a high-level information update to and to receive input from the Mayor and Council and the public on the FY2020 Revenue projections.

Background: The staff Leadership Team and Budget Committee continue their work in developing the FY2020 Proposed Budget. Staff will present information in the same format that we have throughout this budget development process. Revenue is tracked in the following categories:

- Local Taxes
- Licenses and Permits
- Admin Fees
- Fines and Forfeitures
- Automated Programs
- Intergovernmental
- Miscellaneous

The presentation will provide current projections for FY2020 Revenue in all categories and classes. It is important to note that the State is revisiting the initial Constant Yield Notice provided to the Town on February 14, 2019. Town staff asked a series of questions about the notice and unfortunately the key State staff have been out of the office this week.

At the meeting, staff will be available to respond to questions or concerns.

c. Leadership Team