



**Town of Riverdale Park**  
**March 25, 2019**  
**Work Session**  
**8:00 p.m.**

**AGENDA**

**Call to Order**

**Approval of Agenda**

**Mayor's Report**

- Report of closed meeting on March 11, 2019

**Presentations**

1. Anacostia Trails Heritage Area, Inc. Annual Update: Aaron Marcavitch, Executive Director
2. Proposed Changes to TheBus Route 14: Anthony Foster, Prince George's County Department of Public Works and Transportation

**Public Comments**

**Town Manager's Report**

**Council Committee & Ward Reports**

**Work Session Discussion Items**

1. Lawn Mowing and Maintenance Services
2. FY2020 Operating Budget Update
3. Residential Trash Collection Services
4. Police Coordination and Assistance Agreements
5. Competitive Negotiated Sale of 4603 East West Highway
6. Variance Request for 5912 48<sup>th</sup> Avenue; variances of 5 feet front yard depth and 5.5 feet side street yard depth, and 33 feet front street line setback, 17 .5 feet side street line setback and a waiver of the rear yard location requirement (Ward 3)
7. Ordinance 2019-OR-02 regarding Chapter 42 Business Licenses
8. Ordinance 2019-OR-03 regarding Wireless Telecommunications Facilities in Public Rights-of-Way
9. Request for Letter of Support for Food Truck Hub in Discovery District
10. Election Judges and Members of the Board of Election Appeals
11. 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: Mayor and Council

CC: Staff Leadership Team

FROM: Kevin Simpson, Development Services Director

DATE: March 22, 2019

RE: Prince George's County DPW&T Presentation

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### **Action Requested:**

No action is requested at this time. Staff seeks input from the Mayor and Council on the presentation provided by the Prince George's County Department of Public Works and Transportation (DPW&T).

### **Overview:**

Staff was recently informed by County DPW&T that it is considering altering Bus Route 14, of the Prince George's County *TheBus*. The alteration is based on concerns from DPW&T that the bus route is not meeting on-time performance standards.

Staff from County DPW&T will conduct a PowerPoint presentation on options to address their concerns about Bus Route 14 at the March 25<sup>th</sup> Work Session. In addition, DPW&T will be available to answer questions from the Mayor and Council.



# **Town of Riverdale Park, Maryland**

## **Department of Public Works**

TO: John N. Lestitian, Town Manager

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

Cc: James Davis, Operations Manager

DATE: March 22, 2019

RE: DPW Repositioning – Outsourcing Lawn Mowing and Maintenance Services

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**Action Requested:** Staff requests that at the April 1<sup>st</sup> Legislative Session, the Mayor and Council authorize the Town Manager to enter into an agreement for Lawn Mowing and Maintenance Services with Motir Services, Inc., for an amount not to exceed Sixty-Six Thousand, Eight Hundred Dollars (\$66,800).

**Overview:** Motir Services, Inc. was the lowest of three bidders for Lawn Mowing and Maintenance Services at 18 Town-owned sites and specified locations along East West Highway (Route 410), for a bid price of \$59,862. The final bid price includes an expansion in the scope of work to include additional sections of East West Highway and a Fall mulching program. A portion of the additional cost is expected to be offset by a reimbursement from the Maryland Department of Transportation (MDOT) for lawn mowing and maintenance services along East West Highway. Staff is working directly with the District 3 Maintenance Division of MDOT State Highway Administration on a Memorandum of Understanding regarding the scope of work and reimbursement. The following is a breakout of the price components and expected amount of State reimbursement:

• Services to Town-Owned Sites	\$57,261.00
• Services to East West Highway	9,539.00
• Reimbursement from MDOT	<u>-3,000.00</u>
○ Total	\$63,800.00

Staff worked with Fred Sussman, the Town Attorney, to develop an agreement that is both consistent with the bid documents and protects the Town. The contract with Motir Services, Inc. will begin shortly after the Agreement is executed. A copy of the Agreement will be provided at the March 25, 2019, Council meeting. Staff will be available at the meeting to answer questions.

Attachment  
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: March 22, 2019

RE: FY2020 Operating Budget

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

**Background:** The staff Leadership Team and Budget Committee continue their work in developing the FY2020 Proposed Budget. The Budget Committee is working to address the following stressors:

- Flat Real Property Tax revenue
- 3.4% increase in Defined Benefit Plan contributions
- 10% increase in Health Care Premiums
- 100% increase in Workers Compensation Insurance cost

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

c. Leadership Team  
Gentry Jones, Finance Program Specialist II





# **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: March 22, 2019

RE: Residential Trash Collection Services

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**Action Requested:** No formal action is requested at this time. Staff is requesting an opportunity to provide the Mayor and Council with an update on the staff evaluation of bids for Residential Trash Collection Services.

**Background:** The Town received two bids for Residential Trash Collection Services. Staff is continuing to evaluate the proposals. Staff will provide an update and a recommendation to the Mayor and Council at the Work Session.



# **Town of Riverdale Park, Maryland**

## **Police Department**

**To:** John N. Lestitian, Town Manager

**Cc:** Staff Leadership Team

**From:** Chief David Morris

**Date:** March 22, 2019

**Re:** Police Coordination and Assistance Agreements

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### **Action Requested:**

There is no action requested at the March 25<sup>th</sup> Work Session. At the April 1<sup>st</sup> Legislative Meeting, staff will seek authorization to sign a Memorandum of Understanding (MOU) for City of Hyattsville Criminal Intelligence Network (MCIN) Coalition and a Municipal Mutual Aid Agreement.

### **Overview:**

#### City of Hyattsville Criminal Intelligence Network (MCIN) Coalition

In 2016, Mayor and Council approved an MOU permitting the participation of the Town of Riverdale Park Police Department in the Hyattsville Safe Streets Initiative Grant (HSSI). This state funded program brought together allied law enforcement partners in Northern Prince George's County to identify serious and habitual offenders operating in this area, including the Town of Riverdale Park. This program proved successful in removing violent offenders involved in felonious acts.

The Maryland Criminal Intelligence Network (MCIN) Coalition is the next generation of HSSI. The primary purpose of this coalition is to develop a strategy that deploys State, County, and municipal resources to identify criminal gang members who are engaged in violent and property crimes. This includes a commitment to sharing of information in accordance with Federal and State law, pool resources to prioritize workloads, and coordinate prosecution strategies focused on the most violent offenders.

The MOU is funded through grants from the Governor's Office Crime Control and Prevention. Similar to the HSSI program, participating agencies are reimbursed for operations related to the Coalition.

### Municipal Mutual Aid Agreement

In 2010, the Town of Riverdale Park entered into a Mutual Aid Agreement with surrounding municipalities permitting reciprocal deployment of law enforcement services in the event of an emergency and/or non-emergency situations. The purpose of this agreement was to provide on-duty police officers and investigators authority to operate within the corporate boundaries of an assigned jurisdiction under certain circumstances, serving as a force multiplier in both emergency and non-emergency situations.

The Mutual Aid Agreement is being updated to ensure compliance with current statutory requirements. The municipalities included in the updated agreement are:

- City of Hyattsville
- City of Mount Rainier
- Town of Bladensburg
- Town of Riverdale Park
- City of Greenbelt
- City of Laurel
- Town of University Park
- Town of Brentwood
- Town of Edmonston

Staff will be available at the March 25<sup>th</sup> Work Session to answer questions.

### *Attachments:*

*City of Hyattsville Criminal Intelligence Network (MCIN) Coalition MOU*  
*Municipal Mutual Aid Agreement*



Candace B. Hollingsworth  
Mayor

Tracey Nicholson  
City Administrator

## MEMORANDUM OF UNDERSTANDING

### CITY OF HYATTSVILLE MARYLAND CRIMINAL INTELLIGENCE NETWORK (MCIN) COALITION

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#### PREAMBLE

WHEREAS, the Hyattsville Police Department Maryland Criminal Intelligence Network (MCIN) Coalition, (the "Coalition"), a collaboration of State, County and municipal public safety agencies, has been convened, to develop and to commit to a comprehensive, data-driven, strategic plan for reducing crime, disruption and dismantling of criminal gangs within the City of Hyattsville and surrounding areas; and,

WHEREAS, the initial focus of the agencies brought together was to discuss conditions in the City of Hyattsville and surrounding areas; that were contributing to violent and property crimes, and the criminal activities of gangs; and,

WHEREAS, the Coalition members have continued to meet, develop relationships and have identified specific actions that will improve public safety in the City of Hyattsville and surrounding areas; and,

WHEREAS, these discussions have already begun to enhance communication and coordination among State, County and municipal agencies committed to the public safety of the City of Hyattsville and surrounding areas; and,

WHEREAS, the signatories below further commit to working together to implement strategies continue constructive communication and problem solving, develop action plans, establish measures and evaluate success.

It is, by way of this Memorandum of Understanding,

HEREBY established the function of the City of Hyattsville MCIN Coalition.

#### I. Purpose

The function of the City of Hyattsville MCIN Coalition is to address issues affecting the public safety of the City of Hyattsville and surrounding areas.

## II. Established.

There is hereby established the City of Hyattsville MCIN Coalition which will remain in effect until such a time as the Coalition is no longer funded. Any member may withdraw from the City of Hyattsville MCIN Coalition upon written notice to the Chair of the Coalition with copies to the other members.

## III. Composition.

### A. The Coalition shall consist of the following members or their designees:

1. Mayor, City of Hyattsville
2. City Administrator, City of Hyattsville
3. Chief of Police, City of Hyattsville
4. Maryland State Police
5. Director, Department of Public Safety and Correctional Services
6. Director Maryland Department of Juvenile Services
7. Health Officer, Prince George's County Health Department
8. Director, Prince George's County Department of Corrections
9. Prince George's County State's Attorney
10. Sheriff, Prince George's County
11. Chief of Police, Prince George's County Police Department
12. Chief of Police, Town of Bladensburg Police Department
13. Chief of Police, Town of Edmonston Police Department
14. Chief of Police, City of Greenbelt Police Department
15. Chief of Police, Mount Rainier Police Department
16. Chief of Police, Riverdale Park Police Department
17. Chief of Police, University Park Police Department
18. Chief of Police, Maryland National Capital Park and Planning Commission Park Police
19. Chief of Police, Washington Metropolitan Area Transit Authority
20. Chief of Police, University of Maryland Police Department
21. Chief of Police Cottage City-Colmar Manor Police Department

### B. Individuals who hold membership on the Coalition by virtue of an elected or appointed position shall only hold such membership during the individual's term of office.

### C. The Chair shall be selected by a majority vote of the Coalition and shall serve for a one year term as Chair.

- D. The Coalition shall meet at least quarterly.
- E. The Meetings of the Coalition shall be open to the public.

#### IV. Duties.

The Coalition shall:

- A. Develop a strategy that deploys State, County, and municipal resources to identify criminal gang members who are engaged in violent and property crimes. This includes a commitment to sharing of information in accordance with Federal and State law and pooling of resources to prioritize workloads.
- B. Coordinate prosecution strategies so they are focused on the most violent offenders and repeat offenders.
- C. Enhance information sharing, data analysis, and use of technology in accordance with Federal and State law to identify crime trends and to address community conditions leading to crime.
- D. Identify laws and regulations that can be used to support public safety efforts.
- E. Research legislative and regulatory changes that may enhance the success of the Coalition.
- F. Ensure social service and drug treatment programs are included throughout all facets of any efforts of the Coalition to reduce recidivism, support victims, and to improve offenders' chances of successful re-entry to the community from the correctional system.
- G. Include the community in all components of the works of the Coalition.
- H. Coupled with enforcement and social service deployment of resources, the Coalition shall seek to implement alternative dispute resolution, community-based crime prevention programs, and diversion initiatives.
- I. Commit to a monthly forum of operational members to share data, in accordance with Federal and State law, and to evaluate progress among the State, County and municipal public safety agencies working with the Coalition.

- J. Develop and adopt an action plan from time to time as the Coalition finds appropriate.

Signatories to the Memorandum of Understanding for the City of Hyattsville MCIN Coalition as of September 30, 2018:

1. \_\_\_\_\_  
The Honorable Candace B. Hollingsworth, Mayor City of Hyattsville
2. \_\_\_\_\_  
Tracey Nicholson, City Administrator City of Hyattsville
3. \_\_\_\_\_  
Amal E. Awad, Chief of Police City of Hyattsville
4. \_\_\_\_\_  
Col. William Pallozzi, Superintendent Maryland State Police
5. \_\_\_\_\_  
Stephen T. Moyer, Director Department of Public Safety and Correctional Services
6. \_\_\_\_\_  
Sam Abed, Secretary Maryland Department of Juvenile Services
7. \_\_\_\_\_  
Pamela B. Creekmur, Health Officer, Prince George's County Health Department
8. \_\_\_\_\_  
Mary Lou McDonough, Director, Prince George's County Department of Corrections
9. \_\_\_\_\_  
Aisha Braveboy, State's Attorney Prince George's County
10. \_\_\_\_\_  
Melvin C. High, Sheriff, Prince George's County
11. \_\_\_\_\_  
Henry P. Stawinski III, Chief Prince George's County Police Department
12. \_\_\_\_\_  
Tracy D. Stone, Chief Town of Bladensburg Police Department

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13. George William Sullivan , A/Chief Town of Edmonston Police Department

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14. Richard Bowers, Chief City of Greenbelt Police Department

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15. Anthony Morgan, Chief Mount Rainier Police Department

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16. David C. Morris, Chief Riverdale Park Police Department

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17. Harvey Baker, Chief University Park Police Department

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18. Stanley Johnson, Division Chief MNCPPC Police Department

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19. Michael Taborn, Chief, Washington Metro Transit Police Department  
(WMATA)

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20. David B. Mitchell, Director/Chief of Police, University of Maryland Police  
Department

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21. Georgia Miltenberger, Chief of Police Cottage City and Colmar Manor



# Mutual Aid Agreement

2019

**MUTUAL AID AGREEMENT BETWEEN THE:  
CITY OF HYATTSVILLE, MARYLAND,  
CITY OF MOUNT RAINIER, MARYLAND,  
TOWN OF BLADENSBURG, MARYLAND,  
TOWN OF RIVERDALE PARK, MARYLAND,  
CITY OF GREENBELT, MARYLAND,  
CITY OF LAUREL, MARYLAND,  
TOWN OF UNIVERSITY PARK, MARYLAND,  
TOWN OF BRENTWOOD, MARYLAND, AND  
TOWN OF EDMONSTON, MARYLAND.**

**MUTUAL AID AGREEMENT BETWEEN: THE CITY OF HYATTSVILLE, MARYLAND, CITY OF MOUNT RAINIER, MARYLAND, TOWN OF BLADENSBURG, MARYLAND, TOWN OF RIVERDALE PARK, MARYLAND, CITY OF GREENBELT, MARYLAND, CITY OF LAUREL, MARYLAND, TOWN OF UNIVERSITY PARK, MARYLAND, TOWN OF BRENTWOOD, MARYLAND, AND TOWN OF EDMONSTON, MARYLAND**

**THIS AGREEMENT** is entered into this \_\_\_\_\_ day of, \_\_\_\_\_ 2019, by and between the Mayor and City Council of the City of Hyattsville, Maryland (hereinafter the City of Hyattsville), the Mayor and City Council of Mount Rainier, Maryland (hereinafter the City of Mount Rainier) and the Mayor and Town Council of Bladensburg, Maryland (hereinafter the Town of Bladensburg), the Town of Riverdale Park (hereinafter the Town of Riverdale Park), the Mayor and City Council of the City of Greenbelt, Maryland (hereinafter the City of Greenbelt), the Mayor and City Council of the City of Laurel, Maryland (hereinafter the City of Laurel), the Mayor and Town Council of the Town of University Park, Maryland (hereinafter The Town of University Park), the Mayor and Town Council of the Town of Brentwood, Maryland (hereinafter the Town of Brentwood), the Mayor and Town Council of the Town of Edmonston, Maryland (hereinafter the Town of Edmonston).

**WHEREAS**, the Police Departments of the City of Hyattsville, the City of Mount Rainer, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston, collectively hereinafter ("signatory agencies/jurisdictions") are charged with providing police services to the citizens of Prince George's County, Maryland within their respective jurisdictions; and

**WHEREAS**, it is the mutual desire of each of these police agencies to enhance, foster and maintain the positive working relationship currently existing between them; and

**WHEREAS**, the Maryland Code, Criminal Procedures Article, Title 2, Section 2-105(e)(1), permits a municipal corporation to make a reciprocal agreement with other municipal corporations within the State to carry out a plan to provide mutual aid by providing its police officers and other officers, employees, and agents, together with all necessary equipment, as provided by Maryland Code, Criminal Procedure Article, Title 2, Section 2-105(b); and

**WHEREAS**, the Maryland Code, Criminal Procedure Article, Title 2, Section 2-105(b), provides that the governing body of municipal corporation may determine the circumstances under which the police officers and other officers, agents, and employees of the municipal corporation, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of the municipal corporation to any place within or outside the State.

**NOW THEREFORE**, pursuant to Maryland Code, Criminal Procedure Article, Title 2, Section 2-105 and the authority granted to them under their respective Charters, the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, Town of Brentwood and the Town of Edmonston by their undersigned officials, do hereby agree as follows:

## **ARTICLE I - SCOPE OF AGREEMENT**

1. Maryland State Code, Criminal Procedure Article, Title 2, Section 2-105(e)(1), provides that the governing body of any municipal corporation may enter into reciprocal agreements in order to carry out a plan to provide mutual aid through the furnishing of its police together with all necessary equipment in the event of an emergency and/or non-emergency situation and as provided in Section 2-105(b).

2. Pursuant to Maryland State Code, Criminal Procedure Article, Title 2, Section 2-105, the Mayors and City and Town Councils of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, Town of Brentwood and the Town of Edmonston, as governing bodies, have determined by their adoption of this Agreement that an emergency and/or non-emergency situation exists when:

- a. An on-duty Police Officer/Investigator of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston, witnesses, or has probable cause to believe there has occurred, the commission of criminal activity which is punishable by incarceration or a serious traffic offense within the jurisdiction of any other signatory agency; or
- b. The Police Departments of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston shall have committed, or shall foresee the need to commit, all of their readily available resources to any present or future police incident or action, and that mutual aid provided herein may be utilized.
- c. For the purposes of this Agreement, a serious traffic offense is defined as:
  1. An offense committed in wanton or willful disregard for the safety of person or property; or
  2. An offense committed in a manner that indicates a wanton or willful disregard for the safety of persons or property; or
  3. When the officer has a reasonable belief that they or another person are in imminent danger of serious physical injury.

## **ARTICLE II - JURSDICITON**

1. Maryland State Code, Local Government Article, Title 5, Section 5-207 (formerly cited as Maryland Code, Article 23A, Section 2), grants to any municipal corporation the authority to establish and maintain a police force within that municipality.

2. In the event of an emergency and/or a non-emergency, as defined in Article II, Section 3, below, police officers from the signatory agencies may take police actions within the jurisdiction of any other signatory agency.

3. An emergency and/or a non-emergency situation arises, for the purposes of Article II, when:

- a. An on-duty Police Officer of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston, witnesses, or has probable cause to believe there has been the commission of criminal activity which is punishable by incarceration or a serious traffic offense within the jurisdiction of any other signatory agency; or
- b. The Police Departments of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston shall have committed, or shall foresee the need to commit, all of their readily available resources to any present or future police incident or action.

4. A police incident or action shall be considered any matter which affects the public safety as determined by the senior police official or their designee of the signatory agency requesting mutual aid under this agreement.

### **ARTICLE III- AUTHORITY**

1. Pursuant to the actions of the Mayors and City and Town Councils of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston and in accordance with Maryland State Code, Criminal Procedure Article, Title 2, Section 2-105, and by the execution of this Agreement, the police officers of each signatory agency shall comply with the following procedures with respect to arrests and actions within the jurisdiction of any other signatory agency.

2. All calls for service concerning incidents having occurred or presently occurring within the jurisdiction of a signatory agency shall be referred to that agency.

3. Pursuant to the terms of this Agreement, police officers of any signatory agency may make arrests and exercise related police powers within the jurisdiction of any other signatory agency in an emergency and/or non-emergency situation.

- a. When a police officer makes any arrest within the jurisdiction of another signatory agency that officer will immediately notify the police agency having jurisdiction and take the suspect to the nearest central processing

station for processing, be present before a District Court Commissioner if required and prepare any necessary reports.

- b. All written reports regarding such an arrest shall be done in the format and manner prescribed by the arresting officer's agency.
- c. All written reports regarding such an arrest, as well as any reports required by the police department/division having primary jurisdiction must be prepared by the end of the officer's tour of duty and a copy forwarded to the agency having primary jurisdiction no later than 1700 hours the next business day.
- d. All follow-up investigations for all offenses will be conducted by the agency having primary jurisdiction.

4. Pursuant to the terms of this Agreement, police officers of any signatory agency may serve a warrant within the jurisdiction of any signatory agency in an emergency and/or non-emergency situation.

- a. The officer attempting service shall notify the agency having primary jurisdiction of the warrant attempt including the location and the name of the defendant, prior to service.
- b. Whenever possible, an officer of the agency having primary jurisdiction shall accompany the officer(s) attempting service of the warrant.

5. Pursuant to the terms of this Agreement, police officers of any signatory agency may issue a citation or make an application for a statement of charges for any serious traffic offense which occurs within the jurisdiction of any other signatory agency. No officer of any signatory agency shall actively engage in routine traffic enforcement within the boundaries of any other signatory agency. Each signatory agency must forward copies of any motor vehicle citations or statements of charges they issue, or cause to be issued, within the jurisdiction of any other signatory agency to that agency in accordance with the reporting provisions of Article III, subsections 3(b) and 3(c), above, of this Agreement.

6. In the event that any officer of any signatory agency responds to an incident or call for service within the jurisdiction of another signatory agency, the command authority shall be determined as follows:

- a. The agency having primary jurisdiction shall exercise command unless otherwise provided below.
- b. In the event that a police officer from any other signatory agency is first on the scene, that officer shall assume command and secure the area, maintain the integrity of any crime scene, establish a perimeter as required

and begin to gather victim and/or witness information until an officer from the agency having primary jurisdiction arrives on the scene.

- c. A police officer who initially assumes command of a scene, as described in subsection 6(b), above, shall relinquish command to the first police officer from the agency having primary jurisdiction who arrives on the scene.
- d. Once that command has been relinquished, the initial officer shall not remain on the scene unless requested to do so by the officer in charge from the agency having primary jurisdiction.
- e. When police officers are involved in a situation as described in subsection 6(b), above, which requires an incident report, statement of charges, citation or any other police report or document, the officer must prepare the report, statement, citation or other document by the end of his/her tour of duty. A copy of the report, statement, citation or other document will be forwarded to the agency having primary jurisdiction no later than 1700 hours the next business day. This procedure will be followed regardless of whether command was relinquished to a police officer of that jurisdiction or the incident was handled to completion by the officer from another signatory agency.
- f. Officers will use direct radio communications with the requesting agency if the technology exists. In the absence of direct radio communications, officers will communicate directly with their respective communications centers who in turn will communicate directly with the requesting agency's communications center.

#### **ARTICLE IV - USE OF RESOURCES**

1. Pursuant to the terms of this Agreement, the senior on-duty official of a signatory agency in charge of any present incident or action within their jurisdiction is authorized to determine the need for additional police resources, if needed, in an emergency and/or non-emergency situation.

- a. Once this determination has been made, said official may request from the senior on-duty police official of any other signatory agency such resources as may be necessary and available to meet the need.
- b. Additionally, the senior official of an investigative task force that is operating in the jurisdiction of the signatory agencies is authorized to determine the need for additional resources from any other agency.

2. Pursuant to the terms of this Agreement, the Police Chief or Command Staff Officer of any signatory agency may determine the need for additional police resources as may be necessary for any future incident or action within their jurisdiction.

- a. Once this determination has been made, said official may request from the Police Chief or Command Staff Officer of any other signatory agency such resources as may be necessary and available.

3. In the event that a request for additional resources is made pursuant to Article IV, Sections 1 or 2, of this Agreement, the following procedures shall be followed:

- a. All requests for resources shall include:
  - 1. The name and position of the officer making the request,
  - 2. The nature and location of the emergency/ non-emergency,
  - 3. The number of personnel requested and whether specialized personnel are needed,
  - 4. The type(s) of equipment needed, and
  - 5. The name rank and location of the officer to whom assisting personnel shall report.
- b. The police official receiving such a request shall consider the circumstances of the request and the capability of the agency to provide the requested assistance. If the receiving official determines that the request can be met, they shall provide such assistance, including necessary personnel and equipment, as is consistent with the request, and shall promptly notify the requester of the number of personnel and/or equipment being provided.
- c. Assisting personnel shall be under the command of the senior police official or his designee from the requesting agency on the scene.
- d. The use, deployment, command and control of resources under this section shall generally conform to the applicable related sections of the most current version of The Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operational Plan.

4. No agency shall send any personnel to an incident or police action in another signatory jurisdiction unless it is expressly requested pursuant to this Article.

- a. This does not preclude any nearby officer from responding to an incident involving an immediate threat to human life.

5. Each signatory agency shall maintain an up-to-date list of available personnel resources which shall be attached as an appendix to this Agreement.

## **ARTICLE V - MISCELLANEOUS PROVISIONS**

1. Notwithstanding the provisions of this Agreement, nothing herein shall prevent the Chiefs of Police of the City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston from mutually agreeing upon such operational arrangements or establishing such procedures as may be necessary to carry out the intent of this Agreement.

2. The City of Hyattsville, the City of Mount Rainier, the Town of Bladensburg, the Town of Riverdale Park, the City of Greenbelt, the City of Laurel, the Town of University Park, the Town of Brentwood and the Town of Edmonston Police Departments, upon receiving any written complaint against its officers from a Chief of Police of any signatory agency for failure to comply with this Agreement shall take the necessary action to ensure compliance and to notify the initiator of the complaint of any action taken as a result of such complaint.

3. A central file shall be maintained by each police agency documenting all arrests made within any other signatory agency's area of jurisdiction. The Chiefs of Police of Hyattsville, Mount Rainier, Bladensburg, Riverdale Park, Greenbelt, Laurel, University Park, Brentwood and Edmonston shall meet at least once annually to review the actions taken under this Agreement and make such recommendations as may be required to advance the goals of this Agreement in accordance with applicable laws.

4. Each signatory agency should provide the others with sufficient copies of all manuals, directives, memoranda, training bulletins and any other materials necessary to assist the officers of each agency in the delivery of police services and preparation of written reports pursuant to the terms of this Agreement. All such materials should be updated when necessary to keep the other police agencies informed of changes in procedure.

5. Each of the parties to this Agreement agree to:

- a. Waive any and all claims against any other party to this Agreement which may arise out of their activities outside of their respective jurisdictions under this Agreement, and,
- b. Indemnify and hold harmless the other parties to this Agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to this Agreement, outside their respective jurisdictions under this Agreement; provided, however, that a requesting party need not indemnify the party providing assistance if (1) the party providing assistance does not cooperate in defending against claims made by third-parties, or (2) the third-party claims arise out of malicious acts of the party providing assistance. The Agreement to indemnify shall in no way be construed to constitute a waiver of any immunity by the requesting party or responding party which either might enjoy, and the requesting party shall be able to raise all defenses available



to or which might be raised by the responding party or to the protections of the Maryland Code, Courts and Judicial Proceedings Article, Local Government Torts Claims Act, Title 5, Section 5-301, *et seq.*

- c. Make no claims for expenditures regarding any actions taken or services received pursuant to this Agreement against any other signatory agency.

6. The parties acknowledge that the police officers, agents and employees, when acting in furtherance of authority of this Agreement beyond the territorial limits of the jurisdiction in which they are commissioned or employed, remain police officers, agents or employees of the jurisdiction in which they are commissioned or employed at all times. Furthermore, police officers, agents and employees are entitled to all the immunities from liability, exemptions from laws, ordinances, and regulations, and worker's compensation, disability, death benefits, life insurance, pension, and other benefits enjoyed by them while performing their respective duties within the territorial limits of the jurisdiction in which they are commissioned or employed.

7. This Agreement supersedes any prior mutual aid agreement.

8. Any municipality may withdraw from this Agreement by providing sixty (60) days written notice to all parties. In the event of withdrawal of one or more municipalities from this Mutual Aid Agreement, it shall remain in effect with respect to the remaining municipalities.

9. This Agreement is effective on the \_\_\_ day of, \_\_\_\_\_ 2019.

**The Remainder of this Page is Intentionally Blank.**

## 2019 Mutual Aid Agreement Signature Page

### HYATTSVILLE, MARYLAND

_____ Mayor	_____ City Administrator	_____ Chief of Police
----------------	-----------------------------	--------------------------

### MOUNT RAINIER, MARYLAND

_____ Mayor	_____ City Administrator	_____ Chief of Police
----------------	-----------------------------	--------------------------

### BLADENSBURG, MARYLAND

_____ Mayor	_____ Town Administrator	_____ Chief of Police
----------------	-----------------------------	--------------------------

### TOWN OF RIVERDALE PARK

_____ Mayor	_____ Town Manager	_____ Chief of Police
----------------	-----------------------	--------------------------

### GREENBELT, MARYLAND

_____ Mayor	_____ City Administrator	_____ Chief of Police
----------------	-----------------------------	--------------------------

### LAUREL, MARYLAND

_____ Mayor	_____ City Administrator	_____ Chief of Police
----------------	-----------------------------	--------------------------

### UNIVERSITY PARK, MARYLAND

_____ Mayor	_____ Town Administrator	_____ Chief of Police
----------------	-----------------------------	--------------------------

## **2019 Mutual Aid Agreement Signature Page**

EDMONSTON, MARYLAND

Mayor

Town Administrator

Chief of Police

BRENTWOOD, MARYLAND

Mayor

Town Administrator

Chief of Police



# **Town of Riverdale Park, Maryland**

## **Office of Development Services**

TO: John Lestitian, Town Manager

CC: Staff Leadership Team

FROM: Kevin Simpson, Development Services Director

DATE: March 22, 2019

RE: Competitive Negotiated Sale (CNS) 4603 East West Highway

---

### **Actions Requested:**

No formal action is requested at this time. Staff is updating the Mayor and Council on the sale of 4603 East West Highway through the Competitive Negotiated Sale (CNS) process.

### **Background:**

During the January 7<sup>th</sup> Legislative Meeting, Karl Granzow, of Werrlein Properties presented a proposal to develop 4603 East West Highway under the CNS process. This approved process is designed to solicit proposals for the sale and development of certain Town-owned properties no longer needed for public use.

Staff is working with the Town attorney to draft a purchase and development agreement for the sale of 4603 East West Highway. An ordinance will be presented to Mayor and Council for introduction at the April 1<sup>st</sup> Legislative Meeting to finalize the agreement.

Staff will be available to respond to concerns or questions at the March 25<sup>th</sup> Work Session.

### **Attachments:**

1. *CNS Listing of 4603 East West Highway*
2. *Maryland State Department of Assessments and Taxation Property Records of 4603 East West Highway*

## 4603 EAST-WEST HIGHWAY

The Town of Riverdale Park is currently accepting CNS proposals for 4603 East-West Highway. This property is a lot that is approximately 14,000 square feet, which was purchased in 2015 by the Town. Also, there is a storage shed on the lot that is approximately 744 square feet. The Town would like for this property to be redeveloped to support the community.

[Maryland State Department of Assessments and Taxation \(SDAT\) Property Records](#)







To schedule a tour of the property please contact:

**Kevin Simpson, Director of Development Services**

[ksimpson@riverdaleparkmd.gov](mailto:ksimpson@riverdaleparkmd.gov)

O - (301) 927-6381

C - (240) 825-5333

## Real Property Data Search

## Search Result for PRINCE GEORGE'S COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 19 Account Number - 2149334			
Owner Information					
Owner Name:		TOWN OF RIVERDALE PARK		Use:	EXEMPT
Mailing Address:		5008 QUEENSBURY RD RIVERDALE MD 20737-		Principal Residence:	NO
				Deed Reference:	/36731/ 00134
Location & Structure Information					
Premises Address:		4603 EAST WEST HWY RIVERDALE 20737-0000		Legal Description:	LOT 7 EX 1432F W HLF LT 8EX600F
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0042	00C3	0000		1750	
					Block:
					34
					Lot:
					Assessment Year:
					2019
					Plat No:
					A-1017
					Plat Ref:
Special Tax Areas:		Town:		RIVERDALE PARK	
		Ad Valorem:			
		Tax Class:		8	
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				13,851 SF	
				County Use	
				901	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2018	07/01/2019
Land:		75,900	75,900		
Improvements		0	0		
Total:		75,900	75,900	75,900	
Preferential Land:		0			
Transfer Information					
Seller: HSBC BANK USA		Date: 02/27/2015		Price: \$49,900	
Type: NON-ARMS LENGTH OTHER		Deed1: /36731/ 00134		Deed2:	
Seller: DUVALL DANIEL S JR		Date: 02/27/2015		Price: \$51,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36731/ 00125		Deed2:	
Seller: DUVALL,DANIEL S JR & CARRIE D		Date: 10/23/1995		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10413/ 00404		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2018	07/01/2019	
County:		650	75,900.00		
State:		650	75,900.00		
Municipal:		650	75,900.00	75,900.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	



# **Town of Riverdale Park, Maryland**

## **Town Administration**

TO: John Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

DATE: March 21, 2019

RE: Variance Request for 5912 48<sup>th</sup> Avenue (Ward 3)

---

### **Action Requested:**

No formal action by the Mayor and Council is requested at the March 25, 2019 Work Session. Staff seek direction from the Mayor and Council regarding the Town's position on the requested variances.

### **Background:**

The Town received notice from the Prince George's County Board of Zoning Appeals that Barbara and Lawrence Legg, Jr. requested permission to validate existing conditions (dwelling and carport) in the side of the corner lot and enclose an existing covered front porch at 5912 48<sup>th</sup> Avenue.

Variances of 5 feet front yard depth and 5.5 feet side street yard depth for the dwelling, and 33 feet front street line setback, 17 .5 feet side street line setback and a waiver of the rear yard location requirement for an accessory building are requested. A hearing on this matter will be held on April 3, 2019.

Attached, please find the Notice of Hearing, Application for a Variance, and Site Plans as well as pictures taken by Neighborhood Services.

### *Attachments:*

*Notice of Hearing*

*Application for a Variance*

*Site Plan*

*Photos from Neighborhood Services*





# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## NOTICE OF RESCHEDULED HEARING

Date: March 19, 2019

Petitioners: Barbara & Lawrence Legg, Jr

Appeal No.: V-10-19

Hearing Date: WEDNESDAY, APRIL 3, 2019, AT 6:00 P.M. EVENING

Place: Zoning Hearing Room #L-205  
County Administration Building, Upper Marlboro, Md.

Appeal has been made to this Board for permission to validate existing conditions (dwelling, carport) in the side yard of the corner lot and enclose the existing covered front porch on the premises known as Lot 27, Block 57, Riverdale Park Subdivision, being 5912 48<sup>th</sup> Avenue, Riverdale, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

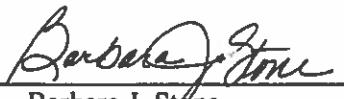
The specific violation resides in the fact that Zoning Ordinance Section 27-442(e)(Table IV) prescribes that each corner lot shall have a front yard and a side yard along the side street at least 25 feet in depth. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line, 30 feet from the side street line and generally be located only in the rear yard. Variances of 5 feet front yard depth and 5.5 feet side street yard depth for the dwelling, and 33 feet front street line setback, 17.5 feet side street line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Public hearing on this Appeal is set for the time and place above stated. Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity **MUST** be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board.

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

By:   
Barbara J. Stone  
Administrator

cc: Petitioners  
Adjoining Property Owners  
Park and Planning Commission  
Town of Riverdale Park

**(USE BLACK INK ONLY)**

**PLEASE READ ALL INSTRUCTIONS  
BEFORE FILLING OUT APPLICATION**

**TO: BOARD OF ZONING APPEALS FOR PRINCE**

**GEORGE'S COUNTY, MARYLAND**

County Administration Building, Room 2173

14741 Governor Oden Bowie Drive

Upper Marlboro, Maryland 20772

(301) 952-3220



Filing Fee Paid: \$ 200

CKM.O. # 40656

By: Great Day Improvements  
700 Highland Blvd E  
Macedonia, OH 44056

Sign Posting Fee Paid: \$ 60

CKM.O. # 40657

By: Great Day Improvements  
700 Highland Blvd E  
Macedonia, OH 44056

APPEAL NO. V-10-19

(OFFICE USE ONLY)

**APPLICATION FOR A VARIANCE**

**FROM STRICT APPLICATION OF THE ZONING ORDINANCE**

*(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)*

Owner(s) of Property LAWRENCE LEGG JR & BARBARA LEGG

(AS SHOWN ON DEED)

Address of Owner(s) 5912 48TH AVE

City RIVERDALE

State MD

Zip Code 20737

Telephone Number (home) \_\_\_\_\_ (cell) \_\_\_\_\_ (work) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Applicant/attorney/engineer/contractor's name, address and telephone number if different from above: (circle one)

Gerardo Perez, 3516 Ashby Ct, Woodbridge, VA 22192

For assistance in completing questions below, see corresponding paragraphs on *Instructions to Applicants*, which is designed to help you fill out this form. **SUBMITTED SITE PLANS/PLATS MUST BE DRAWN TO SCALE BY A CERTIFIED ENGINEER, SURVEYOR OR ARCHITECT (WITH OFFICIAL SEAL OR STATE OF MARYLAND REGISTRATION NUMBER SHOWN ON THE SITE PLAN/PLAT) AND MUST SHOW ALL STRUCTURES (TO INCLUDE ALL DIMENSIONS AND NUMBER OF STORIES) AS WELL AS OFF-STREET PARKING AND ANY PROPOSED CONSTRUCTION ON THE PROPERTY. THE PLAN MUST NOTE THE SCALE, THE LOT SIZE, THE LEGAL DESCRIPTION AND A NORTH ARROW.**

Location of Property involved: a) Street Address 5912 48TH AVE

City RIVERDALE

b) Lot(s) 22 Block 57 Parcel - \_\_\_\_\_

Subdivision Name Riverdale Park

c) Name(s) & Address(es) of Homeowners/Citizens/Civic and/or Community Association(s):

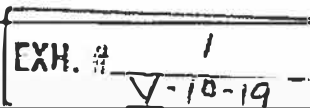
- NO -

d) Municipality (Incorporated City/Town) Name RIVERDALE PARK

What will be/has been constructed on the property? (Variance(s) Required) THIS VARIANCE REQUEST IS BEING

SUBMITTED TO ALLOW AN ENCROACHMENT INTO THE 25' YARD SETBACK TO ENCLOSE A 9'x21' EXISTING COVERED PORCH

DUE TO AN UNUSUALLY SHALLOW FRONT YARD.



Do you need the services of a foreign language interpreter at your hearing? (Additional \$30 fee required)

Yes \_\_\_\_\_ No X

Foreign Language: \_\_\_\_\_

Barbara J. Legg  
Signature of Owner/Attorney

BARBARA J. LEGG  
Printed Name

**IMPORTANT:** Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing. Filing fees must be made payable to Prince George's County and sign posting fees must be made payable to M-NCPPC. Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-229 through 27-234 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/>.

## FOR COUNTY USE ONLY

Property Zone: R-55 Overlay Zone: N/A

Has the property in question ever been subject to previous Board, County Council or Zoning Hearing Examiner action? \_\_\_\_\_ If so, give Case No.(s)/Decision Date(s) \_\_\_\_\_

Is the property subject to any action by the Planning Board? N/A

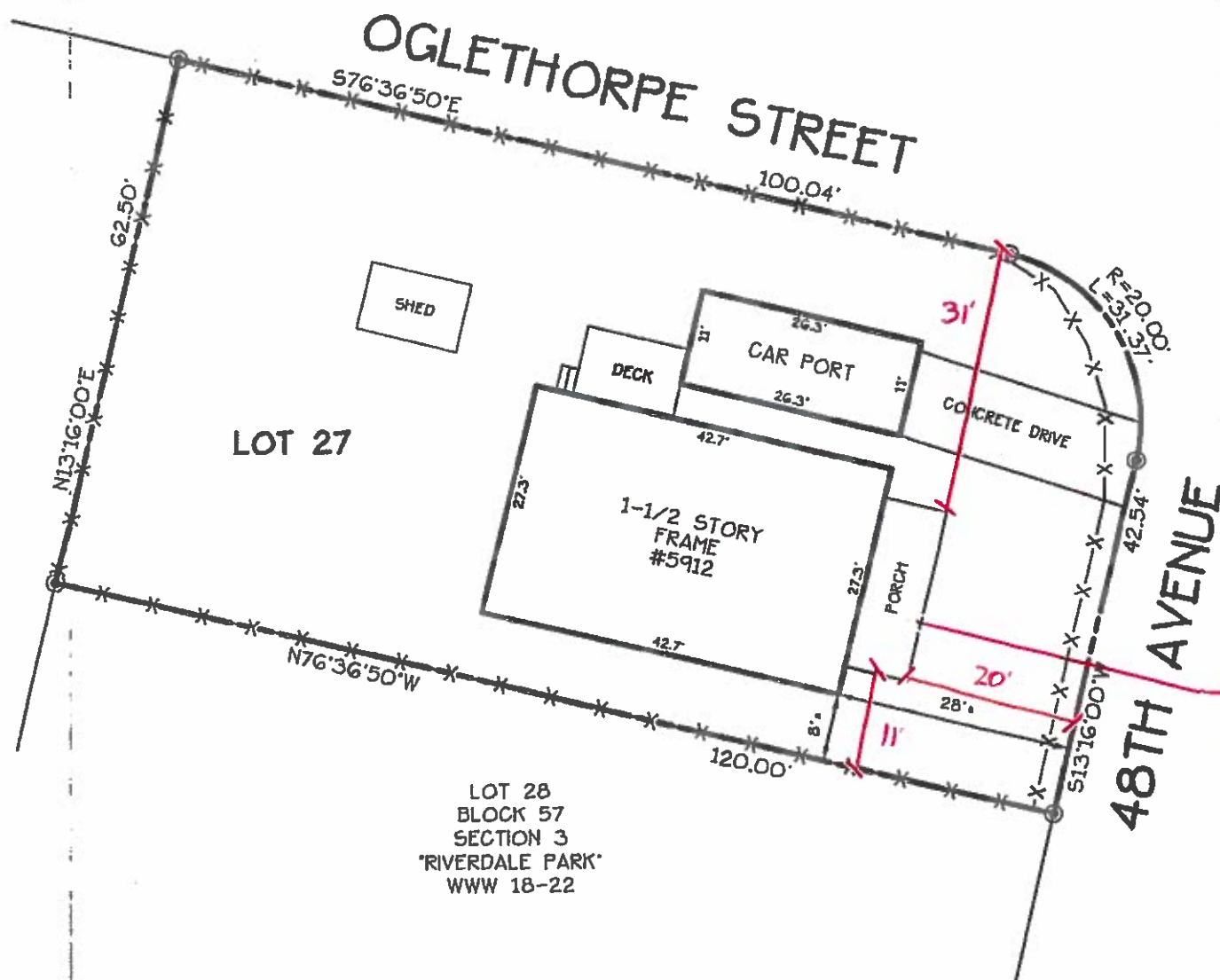
If so, what type of action? N/A

Variance(s) requested: 5ft front yard depth

**FOR A LIST OF ALL NAMES AND MAILING ADDRESSES OF ADJOINING PROPERTY OWNERS AND OTHER PARTIES, PLEASE SEE THE PERSONS OF RECORD LIST**

SHEET 1 OF 2

This is a two page document and is not valid without both pages. See page two (or reverse) for Survey Notes.



I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.

GEORGE A. PARRISH IV PROP. LS#577 2/15/19  
LICENSE EXPIRATION DATE 03/24/2019

5912 48TH AVENUE WWW 18-22

LOCATION DRAWING  
LOT 27 BLOCK 57 SECTION 3

RIVERDALE PARK

NINETEENTH DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1" = 20' FEBRUARY 2019

PROJECT #56117  
F/N: RIVERDALE PARK-S3-B57-L27



EXH. # 2  
V-10-19



Notes:

1. This plat is of benefit to a consumer insofar as it is required by a lender or title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for transfer of title or securing financing or refinancing.
4. The level of accuracy setback distances is within 3 feet  $\pm$ .
5. No title research furnished to or done by this office.
6. The subject property falls in flood zone "X" as shown on the flood hazard map 24033C0133E dated 9/16/2016.
7. This plat shows the principal structure and significant structures (close to the apparent property lines) as required by Maryland law. However, additional internal structures may not be shown.
8. The licensee either personally prepared this drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of Chapter 06 Minimum Standards of Practice.
9. The source of data, bearings, and/or coordinates used on this drawing are based on the record plat or deed referenced : WWW 18-22

**LEGEND**

—————	PROPERTY LINE
—X—X—X—X—	FENCE
C/P	CONCRETE PAD
B/E	BASEMENT ENTRANCE
STP	STOOP
PCH	PORCH
O/H	OVERHANG
GAZ	GAZEBO
B-WAY	BREEZEWAY
P-WAY	PASSAGEWAY
BLC	BALCONY
BRL	BUILDING RESTRICTION LINE
BSL	BUILDING SETBACK LINE
BL	BUILDING LINE

Advanced Surveys Services Include:

- Location Surveys
- Boundary Surveys
- ALTA Surveys
- Fence Stakeouts
- Landscaping Stakeouts
- Site Plans
- Subdivisions
- Flood Certifications
- As-Built Surveys
- and Much More!

Check out our website for information and regular specials:

[www.AdvancedSurveysInc.com](http://www.AdvancedSurveysInc.com)



Client Notes:

Client Case #40458

ATTENTION USER: SURVEY APPROVAL FORM  
MUST BE ON FILE WITH ADVANCED SURVEYS  
BEFORE THIS DOCUMENT CAN BE USED.

©2018 Copyright by Advanced Surveys, Inc. All Rights Reserved

**Discount Coupon**

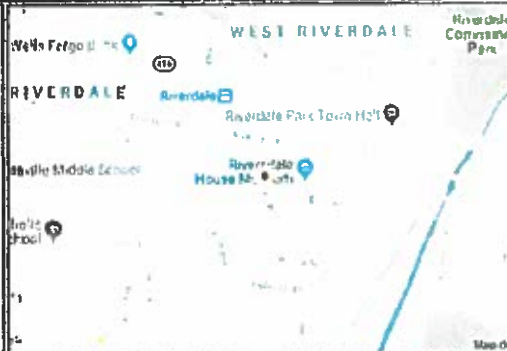
This coupon is good for  
a boundary  
survey for this property.  
EXPIRES 6 MONTHS FROM THE DATE OF SURVEY

LOCATION DRAWING  
LOT 27 BLOCK 57 SECTION 3

**RIVERDALE PARK**

NINETEENTH DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1" = 20' FEBRUARY 2019

PROJECT #56117  
F/N: RIVERDALEPARK-S3-B57-L27



3140 WEST WARD ROAD SUITE 103  
DUNKIRK, MARYLAND 20754  
P: (410)286-9712 F: (410)286-9716

MINIMUM DESIGN LOADS: (PER 2015 IRC)

SUNROOM CATEGORY II (PER 2015 IRC R301.2.1.1.1 & AAMA / NPEA / NSA 2100)

DEAD LOADS:

1. ROOF: 10 PSF
2. WALLS: 10 PSF
3. FLOOR: 12 PSF

SNOW LOADS:

1. GROUND SNOW LOAD 30 PSF

ULTIMATE DESIGN WIND SPEED: 115 MPH, 3 SEC. GUSTS

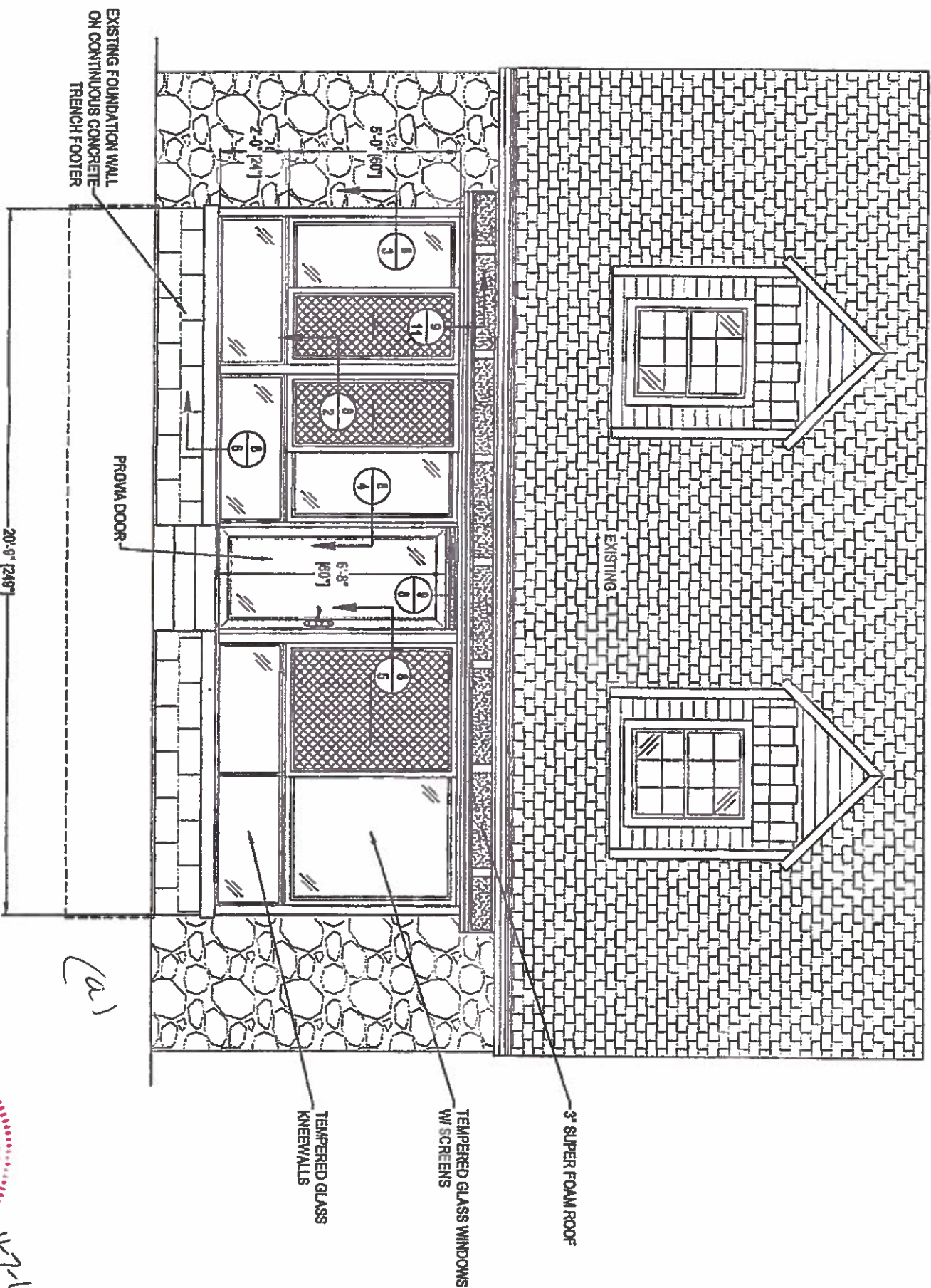
LIVE LOADS:

1. ROOF: 40 PSF
2. FLOOR: 40 PSF

NOTE: THIS ENCLOSURE IS NOT TO BE CONDITIONED OR USED AS A PERMANENT LIVING AREA.

NOTES:

1. ALLVIEW (AAS) ROOM: WHITE IN COLOR
2. CONSTRUCT ENCLOSURE ON EXISTING CONCRETE
3. NO HEAT BY GDI, ELECTRICAL BY GDI
4. ALL CONCRETE TO BE 3000 PSI MINIMUM
5. ROOM CONSIDERED AS NON-CONDITIONED SPACE, EXEMPT FROM ENERGY EFFICIENCY REQUIREMENTS (PER 2015 IRC SECTION N102.1, NOTE 2)



ALLOWABLE SOIL  
PRESSURE CONSIDERED  
(PRESUMPTIVE) = 1500 PSF

ELEVATION - "B" WALL  
(RAILING NOT SHOWN FOR CLARITY)



JAMES A. CLANCY P.E., L.S.  
MD PROFESSIONAL ENGINEER (MD LIC. # 31885)  
601 ASBURY AVENUE  
NATIONAL PARK, NJ 08063  
PH. # 856-853-7306

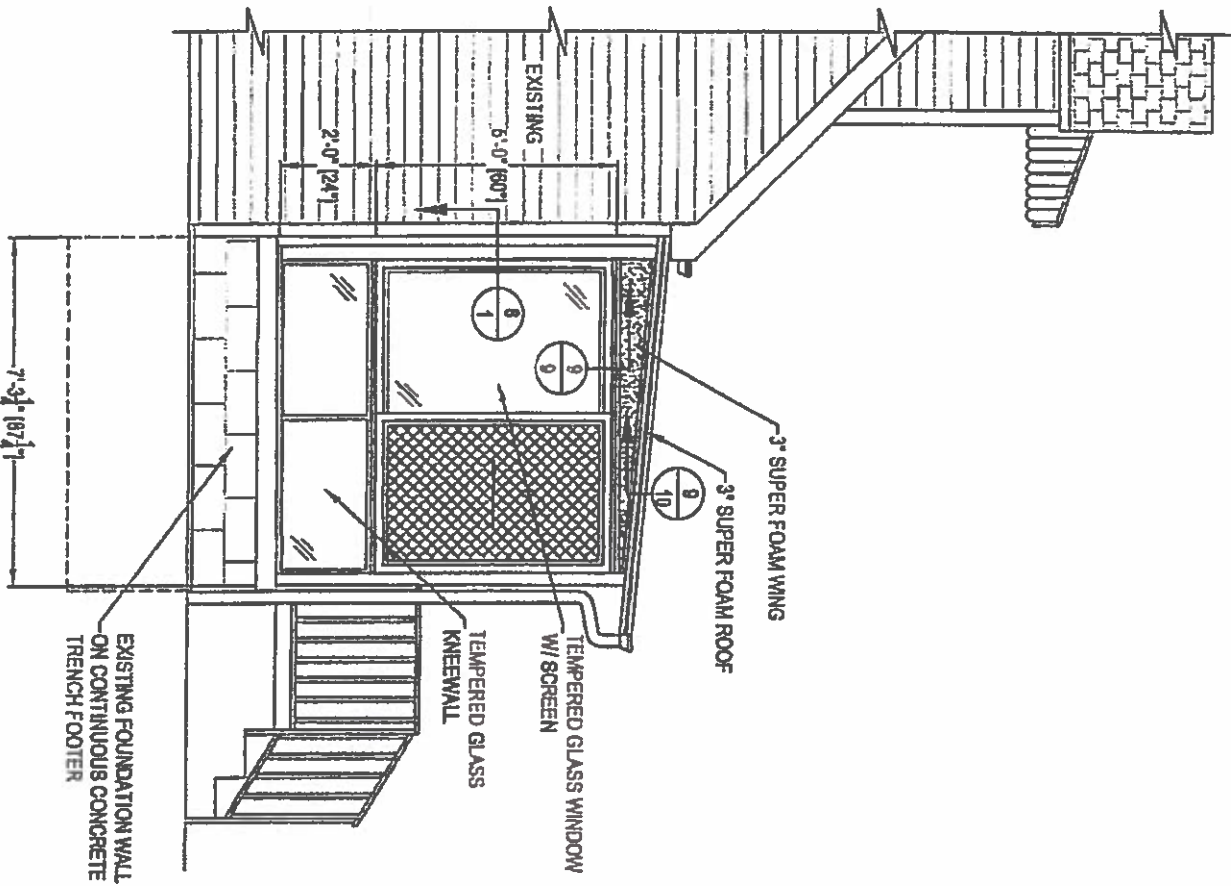
LAWRENCE & BARBARA LEGG  
5912 48th AVENUE  
RIVERDALE, MD. 20737  
JOB #40458

LOCATION  
GDI - BALTIMORE  
501 McCORMICK DRIVE, SUITES D-F  
GLEN BURNIE, MD 21061  
410-760-1919

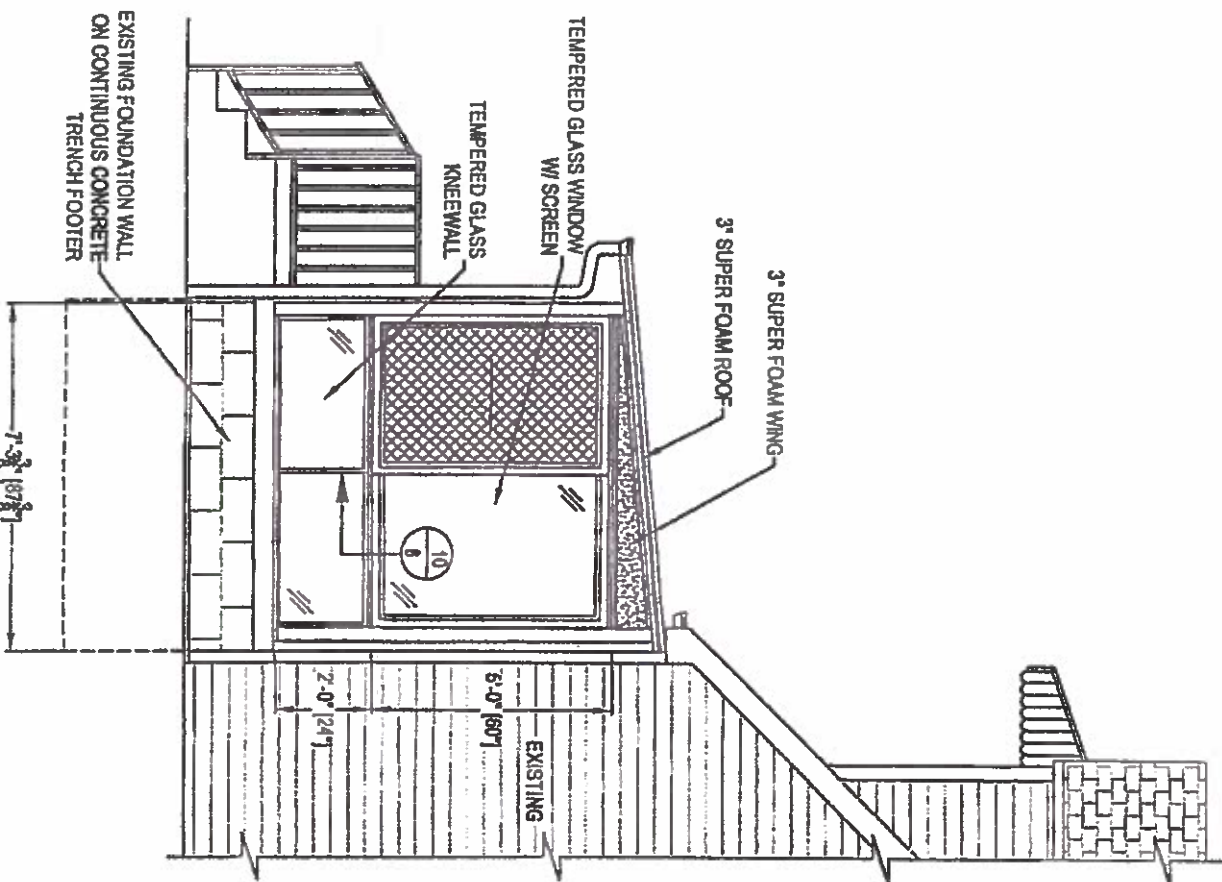


BY GREAT DAY IMPROVEMENTS, LLC





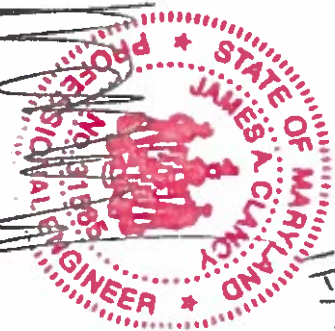
ELEVATION - "A" WALL



ELEVATION - "C" WALL

(5)

EXH. 3 (b)  
V-10-19



JAMES A. CLANCY P.E., L.S.  
MD PROFESSIONAL ENGINEER (MD LIC. # 31895)  
601 ASBURY AVENUE  
NATIONAL PARK, NJ 08063  
PH. # 856-853-7308

<p>DRAWN WAR</p> <p>SCALE 1/4" = 1'-0"</p> <p>SHEET 3 OF 10</p>	<p>DATE 10/31/18</p>	<p>LAWRENCE &amp; BARBARA LEGG</p> <p>5912 48th AVENUE</p> <p>RIVERDALE, MD. 20737</p> <p>JOB #40458</p>	<p>LOCATION</p> <p>GDI - BALTIMORE</p> <p>501 McCORMICK DRIVE, SUITES D-F</p> <p>GLEN BURNIE, MD 21061</p> <p>410-760-1919</p>
---	----------------------	--	--



























# **Town of Riverdale Park, Maryland**

## **Town Administration**

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: March 21, 2019

RE: Ordinance 2019-OR-02 Chapter 42 Business Licenses

---

**Action Requested:** No formal action by the Mayor and Council is requested at the March 25, 2019 Work Session. Ordinance 2019-OR-02 is scheduled for adoption at the April 1, 2019 Legislative Meeting.

**Background:** The columns below highlight the changes between the existing Chapter 42 Licenses and the revised Chapter 42 Business Licenses. One important change to note is the addition of a Peddler's License. This addition addresses the issue raised at the meetings with the Mayor and Council concerning individuals vending door-to-door.

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

c. Leadership Team

# COUNCIL OF THE TOWN OF RIVERDALE PARK

## ORDINANCE 2019-OR-02

---

**Introduced By:** CM Marsha Dixon

**Date Introduced:** March 4, 2019

**Amendments Adopted:**

**Date Adopted:**

**Date Effective:**

---

**An Ordinance** concerning

### GENERAL BUSINESS LICENSING

**FOR** the purpose of repealing existing provisions of the Town Code relating to Town business licenses and enacting new provisions for licensing businesses in the Town of Riverdale Park; comprehensively revising regulations and procedures regarding applications for, and the approvals, suspension and revocation of licenses for, the operation of trades and businesses within the Town of Riverdale Park; providing for the scope of this Ordinance; defining certain terms; establishing and revising certain application and license fees, penalties and enforcement procedures; providing for the duration of certain licenses; specifying certain operational regulations, including special regulations for mobile vendors; providing for appeals from certain decisions; providing for the applicability of the terms of this Ordinance to existing Town business licenses; providing for the severability of the provisions of this Ordinance; and matters generally relating to preserving the public health, safety and welfare by licensing the operation of trades and businesses in the Town.

\* \* \* \* \*

**BY** repealing in its entirety  
Chapter 42 – LICENSES  
Sections 42-1 through 42-13, inclusive  
Code of the Town of Riverdale Park  
(January 2008 Revision, as amended)

**SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK,** That Chapter 42 – LICENSES, of the Code of the Town of Riverdale Park (January 2008 Revision, as amended), consisting of Sections 42-1 through 42-13, inclusive, be and it is hereby repealed in its entirety, and new Sections 42-1 through 42-12, inclusive, to be under the new Chapter 42 – BUSINESS LICENSES, are hereby added to the Code of the Town of Riverdale Park (January 2008 Revision, as amended), to stand in the place of the Chapter and Sections repealed and to read as follows:

## **CHAPTER 42 – BUSINESS LICENSES**

### **§ 42-1. Purpose.**

- (a) The Town 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.**

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 businesses is required.

### **§ 42-3. Definitions.**

- (a) Business. A business includes any person, corporation, or other legal entity that engages in the selling of goods 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 vendor businesses, peddlers, and seasonal or temporary businesses. The following businesses are not businesses within the meaning 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 which provide onsite services to no more than two (2) customers at any time.
- (b) License year. A license year is the period for which a license, other than a temporary license, is issued under this Chapter. A license issued under this Chapter for a license year:
- (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; and
- (2) May be renewed for successive terms of one year each upon compliance with the requirements of this Chapter.
- (c) 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.
- (d) Peddler. A person who sells or offers to sell goods, wares, food, or solicits orders for future sales or services, from house-to-house or place-to-place, and who is not a mobile vendor.

#### **§ 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 the Town Manager's designee a written application, under penalty of perjury, on 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) The name, telephone number, e-mail address, and postal mailing address of an individual who is designated 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 is 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, possible 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 for a license year is \$150, except that for the following types of businesses the amount of the annual license fee for a license year 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 Vendor: The amount of the annual license fee is \$50 per mobile vending unit.

(3) Peddler: The amount of the annual license fee is \$50 per person.

(4) 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 of beer and wine.

II. \$100 for a business holding a County alcoholic beverage license for offsite sale of beer, wine and liquor.

III. \$50 for a business holding a County alcoholic beverage license for onsite sale of beer and wine.

IV. \$100 for a business holding a County alcoholic beverage license for onsite sale of beer, wine and liquor.

V. \$80 for a business holding a County alcoholic beverage license for onsite and offsite of sale beer and wine.

VI. \$100 for a business holding a County alcoholic beverage license for onsite and offsite sale of beer, wine and liquor.

(5) 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 license 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 the Town Manager's 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 the Town Manager's designee shall grant the license, with or without terms, conditions and restrictions, except that the Town Manager or the Town Manager's designee shall deny the application if:
- (1) The Town Manager or the Town Manager's designee determines that the business for which the license is sought does 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 the Town Manager's designee to pay the fees or taxes or to satisfy other obligations.
- (d) A license issued under this Chapter:
- (1) Shall state the license year for which the license is issued.
  - (2) Shall identify each business for which the license is issued.
  - (3) Shall identify the person to whom the license is issued.
  - (4) 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.
  - (5) Shall list all terms, conditions and restrictions imposed upon the granting of the license.
  - (6) Is not assignable or transferrable to another person, business or location.

- (e) If the Town Manager or the Town Manager's 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 e-mail to the e-mail 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 the business and its phone number, and shall display all required permits and licenses.

(b) Temporary License:

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

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

- I. County issued permit copies.
- II. Description of services to be offered.
- III. Location of temporary business.
- IV. Written authorization by Owner/Manager of any commercial property to be used for operation of the temporary business.
- V. Listing those Saturdays, Sundays and legal holidays as defined by the Federal Government, including hours of operations on each day, that the temporary business will operate.

(3) Restrictions on temporary businesses.

- I. No trailer, tent, motor vehicle or vehicle canopy may be used for sales.
- II. All displays or sales must be conducted on commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
- III. All display and sales areas shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.

IV. The temporary license shall be issued for not more than three (3) consecutive months.

V. The temporary license shall be used only on Saturday, Sunday and legal holidays.

VI. Services offered must comply with location's zoning for sale of goods.

**§ 42-8. Operational regulations.**

(a) The regulations in 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 the Town Manager's 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 who 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 (c) 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 law enforcement authorities 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 officer 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 Town Manager or Town Manager's designee may suspend or revoke the license after giving written notice to the holder of the license and affording the holder of the license an opportunity to be heard.
- (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.**

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, or to suspend or revoke a license, may appeal the decision to the Board of Code Appeals as established in Chapter 56 of this Code. An appeal shall be filed by delivering a written notice of appeal to the Town Manager on such form as may be prescribed by the Town Manager within ten (10) days after the decision or action from which the appeal is taken.

#### **§ 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) Except as otherwise specifically provided in this chapter, this Chapter may be enforced by any Town staff designated by the Town Manager.

(d) In the case of a business operating without a required license, 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 post on the exterior of the premises notice 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 and Peddler 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.

**SECTION 2: AND BE IT FURTHER ENACTED** that the provisions of Sections 42-1 through 42-12 of the Code of the Town of Riverdale Park (January 2008 Revision, as amended), Article 42 – BUSINESS LICENSES, as enacted by this Ordinance, except those provisions governing the initial issuance of a business license, shall apply to all existing business licenses issued by the Town on or before the effective date of this Ordinance. Such existing business licenses shall continue in effect until June 30, 2019, or until sooner revoked under the provisions of Sections 42-1 through 42-12 as enacted by this Ordinance.

**SECTION 3: AND BE IT FURTHER ENACTED** that if any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

**SECTION 4: AND BE IT FURTHER ENACTED** that this Ordinance shall become effective twenty (20) days after its passage by the Council.

**ATTEST:**

**COUNCIL OF THE TOWN OF  
RIVERDALE PARK**

\_\_\_\_\_  
Jessica Barnes, Town Clerk

\_\_\_\_\_  
Alan K. Thompson, Mayor

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to bill.

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

\* \* \* indicates omissions from existing law where no changes are made by this Ordinance



## **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**

## **Town Administration**

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: March 21, 2019

RE: Ordinance 2019-OR-03 authorizing wireless and wireline broadband deployment in public rights- of-way

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**Action Requested:** No formal action by the Mayor and Council is requested at the March 25, 2019 Work Session. Ordinance 2019-OR-03 is scheduled for adoption at the April 1, 2019 Legislative Meeting.

**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 4<sup>th</sup> Introduction of an Ordinance
- March 25<sup>th</sup> Review and discussion
- April 1<sup>st</sup> 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.

# COUNCIL OF THE TOWN OF RIVERDALE PARK

## Ordinance No. 2019-OR-03

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**Introduced By:** CM Aaron Faulx

**Date Introduced:** March 4, 2019

**Amendments Adopted:**

**Date Adopted:**

**Date Effective:**

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**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

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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

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Jessica E. Barnes, Town Clerk

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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: March 20, 2019

RE: Request for Letter of Support for Food Truck Hub in Discovery District

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### **Action Requested:**

No action is requested for the March 25<sup>th</sup> Work Session.

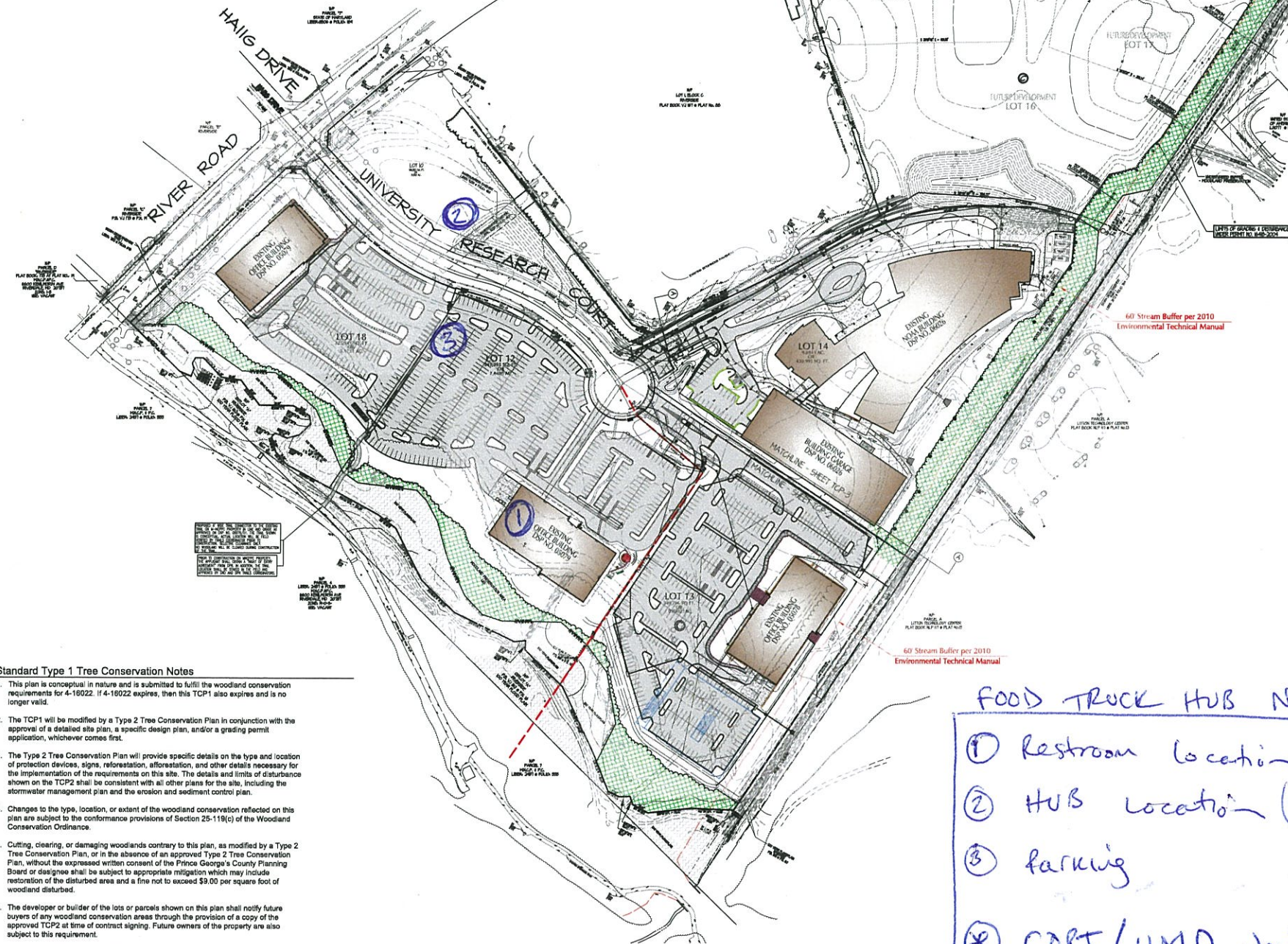
### **Background:**

Staff was contacted by Corporate Office Properties Trust (COPT) regarding a letter of support for the Food Truck Hub located in the Discovery District.

COPT is in the process of applying for a new 60-day Food Truck Hub License from Prince George's County. The Department of Permitting, Inspections and Enforcement (DPIE) has requested an updated letter from the Town of Riverdale Park. On January 9, 2018, the Mayor and Council voted to send a letter of support for a Food Truck Hub located in the Discovery District and operated by COPT. COPT staff has reported that the location of the food trucks and the participating food trucks will remain the same as in previous years.

Staff seeks direction regarding whether the Town is supportive of a Food Truck Hub located in the Discovery District (during calendar year 2019).





#### Standard Type 1 Tree Conservation Notes

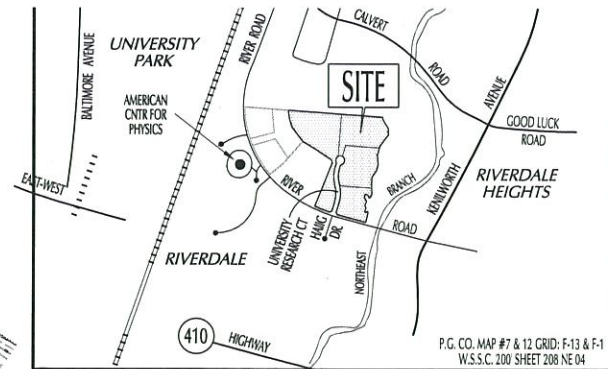
1. This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-16022. If 4-16022 expires, then this TCP1 also expires and is no longer valid.
2. The TCP1 will be modified by a Type 2 Tree Conservation Plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application, whichever comes first.
3. The Type 2 Tree Conservation Plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the requirements on this site. The details and limits of disturbance shown on the TCP2 shall be consistent with all other plans for the site, including the stormwater management plan and the erosion and sediment control plan.
4. Changes to the type, location, or extent of the woodland conservation reflected on this plan are subject to the conformance provisions of Section 25-119(c) of the Woodland Conservation Ordinance.
5. Cutting, clearing, or damaging woodlands contrary to this plan, as modified by a Type 2 Tree Conservation Plan, or in the absence of an approved Type 2 Tree Conservation Plan, without the expressed written consent of the Prince George's County Planning Board or designee shall be subject to appropriate mitigation which may include restoration of the disturbed area and a fine not to exceed \$9.00 per square foot of woodland disturbed.
6. The developer or builder of the lots or parcels shown on this plan shall notify future buyers of any woodland conservation areas through the provision of a copy of the approved TCP2 at time of contract signing. Future owners of the property are also subject to this requirement.
7. The property is within the Developed Tier and is zoned M-U-1 with TDDP of College Park/Riverdale Overlay Zone.
8. The property is adjacent to River Road & University Research Court none of which is a designated historic roadway.
9. The site is not adjacent to a roadway classified as arterial or greater.
10. This plan is not grandfathered by CB-27-2010, Section 25-119(g). The following additional Notes shall be provided on the Type 1 TCPs when appropriate:
  - 11. Plans for stormwater management are contained in Conceptual Stormwater Management Plan Approval Numbers: Lot 10, #18805-2006; Lot 12, #18806-2006; Lot 13, #18807-2006; Lot 14, #11324-2004; and Lot 16, #18800-2006. The proposed stormwater management facilities shown on this TCP1 are in conformance with the concept plan approval. The TCP2 shall show the final design for storm water management in conformance with the approved Final Stormwater Management Plan.

#### OVERALL PROPERTY MAP

SCALE: 1"=100'

#### FOOD TRUCK HUB NOTES:

- ① Restroom location
- ② HUB location (see attached plan)
- ③ parking
- \* COPT/UMD Joint Venture is property owner. SDAT = State of MD (UMD)



#### WOODLAND CONSERVATION WORKSHEET

Zone: 1-3		OWNER: M SQUARE ASSOCIATES, LLC	
Gross Tract: 51.44 Acres		C/O	
Floodplain: 5.67 Acres		MANEKIN CORPORATION	
Previously Dedicated Land:		ATTN: ALTON FRYER	
1.63 Acres (Haig Court)		7601 COLUMBIA GATEWAY DRIVE	
Outlet 'A': 2.41 Acres (Floodplain)		COLUMBIA, MARYLAND 21046	
Net Tract (NTA): 44.14 Acres		PHONE: 410-290-1400	
		Tax Map: 42; GRID: E-2	
		Permit #: TO FOLLOW	
Subdivision/Block/Lot: RIVERSIDE - 'M' SQUARE UNIVERSITY OF MARYLAND RESEARCH PARK			
LOTS: 10 THROUGH 17 and OUTLET 'A', BLOCK 'C'			
Break-even Point (preservation)= 13.01 Acres			
Clearing permitted w/o reforestation= 25.58 Acres			
Woodland Conservation Calculations:			
	Net Tract (acres)	Floodplain (acres)	Off-Site Impacts (acres)
Existing Woodland	38.59	k. 5.67	
WCT = (NTA) x 15.00%	6.62		
Smaller of a or b	6.62		
Woodland above WCT (a-b)	31.97		
Woodland cleared	35.05	l. 0.01	0.00
Smaller of d or e	31.97		
Clearing Above (0.25:1) replacement requirement	7.99		
Clearing Below WCT (2:1 replacement requirement)	2.78		
Afforestation (AFT) 15.00%	0.00		
Woodland Conservation Req. 17.70			
Woodland Conservation Provided: (acres)			
Woodland Preservation	3.54		
Woodland Reforestation	0.00		
Fee in Lieu	14.16		* \$61,680.96 (\$0.10/sf)
Woodland Conservation Provided	17.70		
Area of Woodland not cleared: 3.54 Ac.			
Additional woodland retained not part of any requirements: 0.00 Ac.			
* NOTE: PREVIOUSLY PAID FEE IN LIEU WAS \$53,404.56.			
AMOUNT REQUIRED WITH THIS REVISION= \$8,276.40			

General Information Table		
Layer Category	Layer Name	Value
Zone	Zoning (Zone)	M-U-1
Zone	Aviation Policy Area (APA)	6
Administrative	Tax Grid (TMG)	42 F-2
Administrative	WSSC Grid (Sheet 20)	208NE05
Administrative	Policy Analysis Zone (PAZ)	243
Administrative	Planning Area (Plan Area)	66
Administrative	Election District (ED)	19
Administrative	Councilmanic District (CD)	3
Administrative	General Plan 2002 Tier (Tier)	Developed
Administrative	Traffic Analysis Zone (COG) (TAZ-COG)	243C
Administrative	PG Traffic Analysis Zone (TAZ-PG)	N/A

Prince George's County Planning Department, M-NCPPC Environmental Planning Section TREE CONSERVATION PLAN APPROVAL TCP1-001-10			
Approved by	Date	DRD#	Reason for Revision
00		4-016022	
01			
02			
03			
04			
05			
06			

#### TYPE I - TREE CONSERVATION PLAN for PRELIMINARY PLAN NO. 4-16022

LOTS 10 and 12 Thru 18 ~ BLOCK C  
PLAT BOOK: REP 213 @ PLAT: 69

'RIVERSIDE'

RIVERDALE ELECTION DISTRICT NUMBER 19  
BERWYN ELECTION DISTRICT NUMBER 21  
PRINCE GEORGE'S COUNTY, MARYLAND

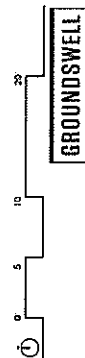
Prepared For:  
State of Maryland  
University of Maryland  
2101 Main Administration, Room 1123  
College Park, Md 20742-6021  
Attn: Ed Maginnis  
Phone: 301-405-5644



JOYCE ENGINEERING CORPORATION			
DESIGN: WJ	DATE: FEBRUARY 2017	JOB NO.: 004015-COPI	TCP NO.:
DRAWN: JNL	COMP: NONE	SCALE: NONE	SCD NO.: 1407
CHECK: <input type="checkbox"/> SURVEY: <input type="checkbox"/>	SHEET: 1 OF 1	SDCP NO.:	AS NOTED

TYPE 1  
TCP





**Discovery District (formerly Research Park) Food Truck HUB Vendor List**

<b>Truck Name</b>	<b>Contact</b>	<b>Phone</b>	<b>Email</b>	<b>Website</b>
Jammin Flava	Sheena Allen	240-360-9084	<a href="mailto:greatfood@jamminflava.com">greatfood@jamminflava.com</a>	
Capital Chicken & Waffles	Sharisse Lane	202-744-0434		
Fat Pete's BBQ	Jeff Holibaugh	301-518-2083	<a href="mailto:holibaugh@hotmail.com">holibaugh@hotmail.com</a>	<a href="http://fatpetesbbq.com">fatpetesbbq.com</a>
Mojaita Latin Flavor	Jonathan Nunez	240-694-8437		
El Mojado	Ronaldo Gutierrez	301-613-2407	<a href="mailto:ronaldogutierrez78@yahoo.com">ronaldogutierrez78@yahoo.com</a>	301-357-4733
Danibelle's Liteandsweet	Danibelle		<a href="mailto:danibel61@yahoo.com">danibel61@yahoo.com</a>	
Honey's Empanadas	Jose & Maria Morales	202-798-3672		
Swizzler	John Zimmerman	202-930-1499		



# Town of Riverdale Park, Maryland

## Town Administration

January 16, 2018

Prince George's County  
Department of Permitting, Inspections and Enforcement  
Permitting & Licensing Division  
Business Licensing Center  
9400 Peppercorn Place, 1st Floor  
Largo, Maryland 20774

To Whom It May Concern:

On January 9, 2018 the Town of Riverdale Park Mayor and Council voted unanimously to support Corporate Office Properties Trust's application for a food truck HUB located in the Discovery District during calendar year 2018.

If you need any additional information, please contact Jessica Barnes, Town Clerk, at [jbarnes@RiverdaleParkMD.gov](mailto:jbarnes@RiverdaleParkMD.gov).

Sincerely,

John N. Lestitian  
Town Manager





# **Town of Riverdale Park, Maryland**

## **Town Administration**

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: March 21, 2019

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

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**Action Requested:** No action is requested at the March 25 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 at the April 1 Legislative Meeting.

**Background:** On February 4<sup>th</sup> 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.

§ 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

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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

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Jessica Barnes, Town Clerk

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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

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FOR THE PURPOSE of appointing members of the Board of Election Appeals for the Town election 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, 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

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Jessica Barnes, Town Clerk

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Alan K. Thompson, Mayor