



**Town of Riverdale Park
September 30, 2019**

7:30 p.m.

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

8:00 p.m.

Work Session

AGENDA

**Call to Order
Approval of Agenda**

**Mayor's Report
Public Comments
Town Manager's Report
Council Committee & Ward Reports**

Work Session Discussion Items

1. Fence Permit Request: 6-foot wood fence in backyard of 4702 Oliver Street (Ward 1)
2. Bates Performance Update
3. Conditions on and along Maryland Avenue
4. Go Green Grant Program
5. Ordinance 2019-OR-06 regarding Small Cell Design Guidelines
6. Ordinance 2019-OR-07 correcting the codification of the provisions of Ordinance 2019-OR-03
7. Noise Ordinance
8. Policy regarding weapons on Town property
9. International Property Maintenance Code
10. Computer Donation to Sister City program
11. Ordinance 2019-OR-08 repealing Chapter 22- Clubs
12. Charter Amendment 2019-CR-01 regarding Article VI Finance, Section 623 Competitive Bidding
13. Code Review and Recommendation: Chapter 17- Camping
14. Request for Support – County Council Legislation
15. 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

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

CC: Staff Leadership Team

DATE: September 25, 2019

RE: Fence Permit Request for 4702 Oliver Street

Action Requested:

Staff seeks input from the Mayor and Council regarding a fence permit request for a 6-foot wooden fence at 4702 Oliver Street, pursuant to Chapter 66 of the Town Code.

Background:

The Town received a building permit application from Jacqueline McQueen of Denchfield Landscaping, on behalf of Lee Stewart, for a 6-foot wooden fence along the rear of the property at 4702 Oliver Street. The applicant obtained a Prince George's County permit for the project.

Please note the attached materials concerning the work.

Attachments:

Riverdale Park Building Permit Application

Prince George's County Permit

Pictures taken by Neighborhood Services



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

County Permit Number: 39416-2019-00
Town Permit Number: _____

Permit Application

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

Contact/Applicant: Jacqueline McQueen for 202-316-0241
Denchfield Landscaping (Name) (Phone Number)

Property Information: 4702 Oliver St Riverdale, Md.
(Building Number) (Street Name) (Apartment/Suite)

Property Owner Information:

Lee
(Lee) Stewart 202-525-8200
(Name) (Phone Number)
4702 Oliver St Riverdale, Md 20737
(Building Number) (Street Name) (Apartment/Suite)
Riverdale Md 20737
(City) (State) (Zip Code)

Contractor Information:

Denchfield Landscaping, 5950 Ager Rd, Hyattsville
(Company Name and Mailing Address)
Jacqueline McQueen 202-316-0241 Md 20782
(Contact Person Name and Phone Number)

Description of Work to be Completed:

Install approximately 250 ft² of 6' fence (wood)

Estimated Cost of the Project: ~\$5,000

Pod/Storage Container and Dumpster:

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

Other: _____

Director of Public Works: ☐ Approved ☐ Not Approved

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

J McQueen
Signature

8/28/19
Date

(Please see reverse side for additional information)

TOWN OF RIVERDALE PARK
5008 QUEENSBURY RD
RIVERDALE PARK, MD 20737 US
3019276381
accounting@riverdaleparkmd.gov
www.townofriverdaleparkmd.gov

Invoice



BILL TO
4702 Oliver St
4702 Oliver St.
Riverdale, MD 20737

SHIP TO
4702 Oliver St
4702 Oliver St.
Riverdale, MD 20737

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
081090	08/28/2019	\$0.00	09/12/2019	Net 15	

ACTIVITY	QTY	RATE	AMOUNT
PERMITS:BPA	1	50.00	50.00
Building Permit Application Fee - 6ft Wood Fence			
			50.00
			\$0.00

PAID

PAYMENT
BALANCE DUE

PRINCE GEORGE'S COUNTY

PERMIT

ISSUANCE DATE : Aug-28-2019

EXPIRATION DATE :

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT PERMITTING CENTER

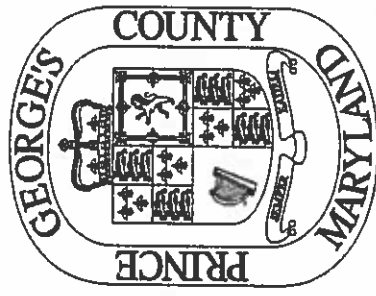
9400 PEPPER CORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900

PROPERTY OWNER

John Stewart
4702 Oliver ST
Riverdale, MD 20737
(202) 525-8200

CONTRACTOR

DENCHFIELD LANDSCAPING, INC.
5950 Ager RD
Hyattsville, MD 20782
LICENSE NUMBER: 124244
(202) 316-0241



OCCUPANT

ARCHITECT

TYPE OF PERMIT : DPE RW
WORK DESCRIPTION : 6'ft high fence
EXISTING USE : SFD
USE (MNCPPC ZONING) : FENCE
SUBDIVISION : RIVERDALE PARK
OWNERSHIP :
 LIBER : 42009
 FOLIO : 484
 ED/ACCT NO. : 19 / 2134153
 LOT :
 BLOCK : 46
 TAX MAP : 042
 SCD :
 SPEC EXCEPT :
 Conditions

HEIGHT FT : 8
WIDTH FT : 250
DEPTH FT :
NO STORIES :
DWELL UNITS :
PARKING SP : 0
LIVE LOAD :
USE GROUP :
TYPE CONST :

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

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

Must comply with Sec. 27-420. Fences and walls. Please note: Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot.

As outlined in County Code Subtitle 4-111, no work shall be performed during the hours of 9:00 p.m. to 7:00 a.m., unless work is performed pursuant to Section 4-120 of this Subtitle.

Only the Licensed Contractor or Homeowner, named on the Permit as contractor, is permitted to perform the scope of work on the permit at the address specified.

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

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

INSPECTION AREA :

INSPECTION APPROVALS

Melinda Bolling

Melinda Bolling

BUILDING INSPECTOR	HEALTH	ELECTRICAL	PLUMBING	FIRE MARSHALL
APPROVED :				

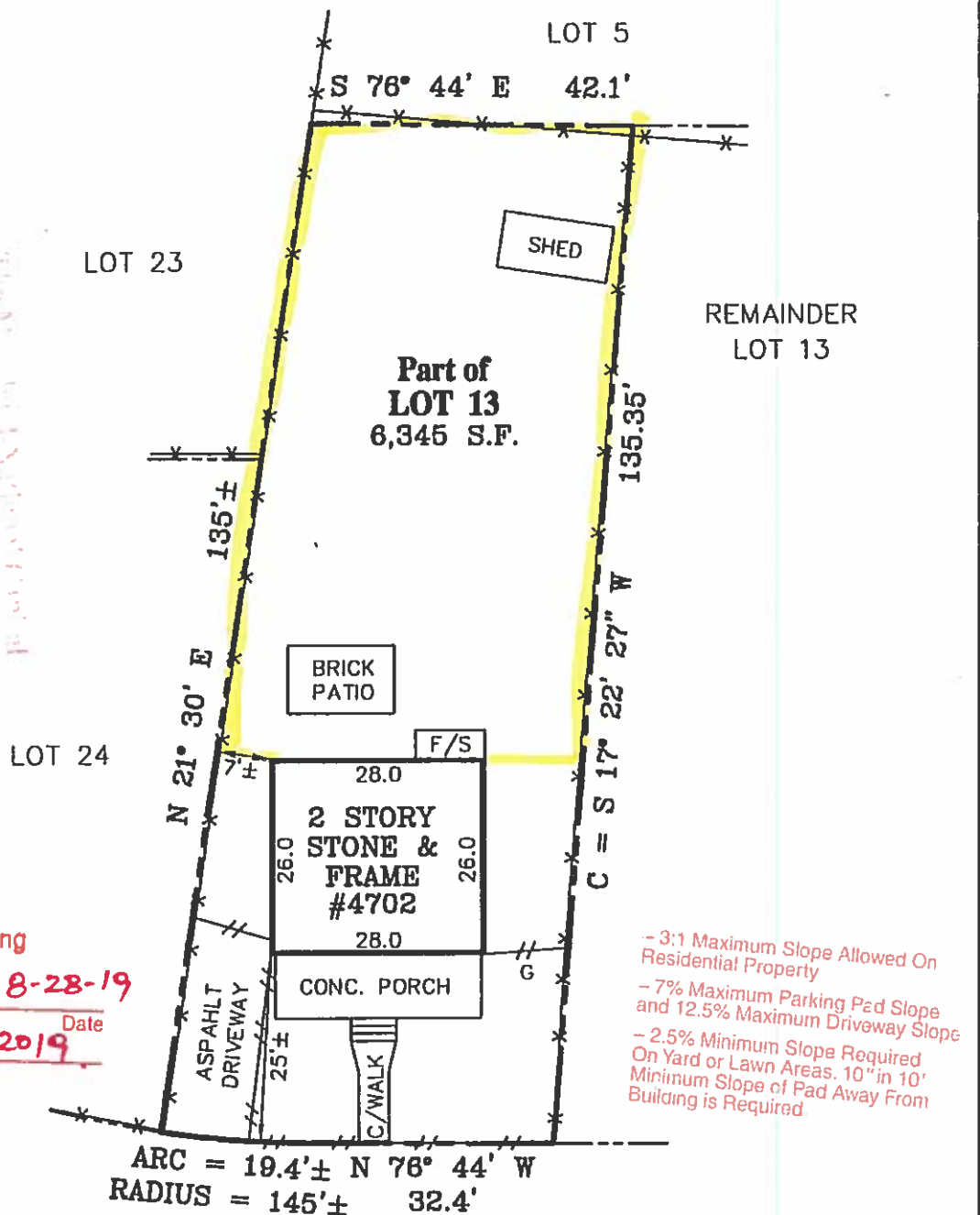
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.

LEAHMIT # 39416-2019-12w
at Port of Callinham Bend





By: [Signature] 8-28-19
Date
Permit #: 39416-2019



PRINCE GEORGE'S COUNTY, MARYLAND

OLIVER STREET
(WASHINGTON AVENUE PER PLAT)
(50' R/W)

SURVEYOR'S CERTIFICATE "THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."  MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592 Expires: 04-07-2021		REFERENCES PLAT BK. A PLAT NO. 42 LIBER 35984 FOLIO 284		 SNIDER & ASSOCIATES LAND SURVEYORS 19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1286 WWW.SNIDERSURVEYS.COM	
		DATE OF LOCATIONS		SCALE: 1" = 30'	
		WALL CHECK:		DRAWN BY: K.W.L.	
		HSE. LOC.: 3-21-19		JOB NO.: 19-00869	









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: September 27, 2019

RE: Monthly Report on Residential Trash Collection

Action Requested: No formal action is requested. Instead, staff is providing to the Mayor and Council a report on the contractor's performance on residential trash collection under the new contract. This memorandum identifies key issues. Additionally, staff is compiling a numeric report on resident complaints, liquidated damages, and administrative costs that will be distributed to Council at the upcoming meeting.

Overview:

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

Contractor Performance:

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

The following are other key issues addressed during meetings with the Bates management team over the last two months:

1. Until just recently, Bates did not have a route monitor to ensure the route was completed as required by the contract and during this time no "end of route" reports were provided as required in the contract;
2. The contractor has had difficulty meeting the turnaround time for the delivery of replacement and new trash containers; and,
3. Customer service staff continue to relay incorrect information to residents who contact Bates directly for service.

In recent meetings, Bates has admitted to these issues and claims that several systems have been put in place to address them in the future, including the hiring of a new Operations Manager assigned to Prince George's County communities and assignment of a new route monitor. Additionally, attention will be paid to how information is conveyed to customer service staff so that they dispense correct information.

Staff will present the numeric report to Council at the upcoming meeting and answer questions regarding contractor performance.

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



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager
FROM: Ivy Lewis, Director of Public Projects and Services
DATE: September 27, 2019
RE: Conditions on and along Maryland Avenue

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

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

Current Conditions:

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

Sidewalks: There are no public sidewalks.

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

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

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

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

Complicating Factors:

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

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

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

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

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

Short-term Improvements:

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

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

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

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

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

Longer-term Improvements:

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

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













Town of Riverdale Park, Maryland

Office of Development Services

TO: John N. Lestitian, Town Manager

FROM: Kevin Simpson, Development Services Director

DATE: September 27, 2019

RE: Community Development: Go Green Grant Program

Action Requested:

No formal action is needed at this time. Staff seek direction from the Mayor and Council to prepare the necessary documents for the adoption of the Go Green Grant Program at the October 7th Legislative Meeting.

Background:

The Town has an established vision and commitment for sustainability and has previously adopted the Go Green Initiative. The proposed grant program seeks to build on the Town's previous efforts to partner with residents on small, but impactful projects that reduce storm water run-off or energy use. Specifically, the program seeks to partner with residents on various sustainable and green projects that enhance residential properties and promote sustainable and green practices throughout the neighborhoods in Riverdale Park.

Eligible activities will include the installation or expanded use of rain gardens, rain barrels, and other storm water management projects that demonstrate a significant reduction in storm water run-off; and to install or expand solar power systems.

The FY2020 Approved Budget reflects that the Community Development Fund will carry a balance of \$12,500 after anticipated expenditures. The launch of this program seeks to make up to a cumulative amount of \$6,000 available for matching grants. The grants under this program will be capped at \$500 and require a 1:1 match for each awardee. This incentive program aligns with the Town's vision and commitment to sustainability.

Staff will be available to answer questions from the Mayor and Council at the September 30th Work Session meeting prior to respond to any questions or concerns.

Attachments:

Resolution 2019-R-XX

Community Development Go Green One-Pager



EXHIBIT A TO RESOLUTION 2019-R-XX

Community Development **Go Green Grant** Program – October 7, 2019

Come Grow with Us!

Description: This matching grant program aids Town residents seeking to install or expand rain gardens, rain barrels, and other storm water management projects that demonstrate a significant reduction in storm water run-off; and to install or expand solar power systems. The purpose of this program is to partner with residents in small and impactful residential projects that promote sustainable and green practices throughout the neighborhoods in Riverdale Park.

- **Eligible Applicants:** Any owner-occupied single-family residential property in the Town of Riverdale Park for which all property taxes and other financial obligations to the Town are paid, and for which no zoning or code violations exist.
- **Geographic Boundary:** Any County-Designated Single-Family Residential Zone.
- **Maximum Award:** Grant not-to-exceed **\$500** per property per year.
- **Open Application Period:** Applications are accepted on a continual basis. Applications received are reviewed the first week of the following month.
- **Required Match:** Awardees must demonstrate the applicant's dollar-for-dollar match (1:1).
- **Use Restriction:** Ineligible uses include any work performed that does not meet the Town's goals for improving sustainability and green practices.
- **Limitation:** This incentive program does **not** waive any permit or development related fees imposed by the State, County, or Town.
- **Application:** Application forms will be available upon approval and implementation of this program.

This program is subject to funding availability and the Town reserves the right to amend, modify or cancel this program at any time with or without notice.

Program Administration:

Funding:

- Subject to fund availability, up to twelve (12) grants not to exceed five-hundred dollars (\$500) each may be made in FY2020 from the Community Development Fund.

Process:

- The program will be promoted through the Town's established outreach programs.
- Applications will be reviewed and approved for funding by a staff team under the direction of the Town Manager.

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND

RESOLUTION 2019-R-XX

Introduced by:

Date Introduced:

Date Adopted:

Date Effective:

RESOLUTION REGARDING GO GREEN GRANT PROGRAM

EXPLANATORY STATEMENT: The Mayor and Council of the Town of Riverdale Park desire to partner with residents on various sustainable and green projects to enhance residential properties and to promote sustainable and green practices throughout the neighborhoods in Riverdale Park. To aid in bringing this objective to fruition, the Mayor and Council desire to create a financial incentive for owners of single family owner-occupied dwellings in the Town of Riverdale Park to install or expand rain gardens, rain barrels, and other storm water management projects that demonstrate a significant reduction in storm water run-off; and to install or expand solar power systems. To accomplish this objective, the Town Manager has recommended that the Mayor and Council adopt a matching grant program known as the Community Development Go Green Grant Program, subject to appropriation and availability of funds in the Town's annual budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that the Council hereby approves the establishment of the "Community Development Go Green Grant Program – October 7, 2019" described on and in accordance with Exhibit A attached to this Resolution.

AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that this Resolution shall take effect on the date of its adoption or on October 7, 2019, whichever occurs last.

ATTEST:

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor



Town of Riverdale Park, Maryland

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Kevin Simpson, Development Services Director

CC: Staff Leadership Team

DATE: September 27, 2019

RE: *Revised Ordinance 2019-OR-06, Wireless Telecommunications Design Guidelines*

Action Requested:

Staff is seeking input from the Mayor and Council on *Revised Ordinance 2019-OR-06, Wireless Telecommunications Design Guidelines*. The revised ordinance contains amendments to *Ordinance 2019-OR-06, Wireless Telecommunications Design Guidelines*, which was formally introduced at the September 9th Legislative Meeting.

Background:

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

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

Upon review of the revised ordinance, staff will prepare this legislative for adoption at the October 7th Legislative Meeting.

Staff will be available at the September 30th Work Session to address any comments or questions from the Mayor and Council.

Attachments:

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

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

COUNCIL OF THE TOWN OF RIVERDALE PARK

Ordinance 2019-OR-06

Introduced By: CM Christopher Henry

Date Introduced: September 9, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

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

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

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

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

Key:
CAPS: Indicate matter added to existing law.

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

CHAPTER 74, WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

SECTION 74-1. PURPOSE.

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

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

SECTION 74-2. DEFINITIONS.

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

SECTION 74-3. REQUIREMENT TO COMPLY.

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

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

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

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

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

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

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

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

3. HISTORIC DISTRICTS.

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

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

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

SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.

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

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

WIRELESS SUPPORT STRUCTURE IS PROPOSED, WHICHEVER IS GREATER; AND

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

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

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

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

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

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

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

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

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

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

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

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

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

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

SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

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

SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1) NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK AND WILL NOT APPROVE MORE THAN ONE PER 250 FEET ON EACH SIDE OF THE STREET TO MINIMIZE THE HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.

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

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

B. EXEMPTIONS.

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

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

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

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

SECTION 74-11. UNDERGROUNDING REQUIREMENTS.

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

SECTION 74-12. GENERAL PROVISIONS.

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

THE TOWN MAY GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

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

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

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS indicate matter added to existing law.

COUNCIL OF THE TOWN OF RIVERDALE PARK

Ordinance 2019-OR-06

Introduced By:

Date Introduced:

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

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

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

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

Key:
CAPS: Indicate matter added to existing law.

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

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

SECTION 74-1. PURPOSE.

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

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

SECTION 74-2. DEFINITIONS.

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

SECTION 74-3. REQUIREMENT TO COMPLY.

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

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

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

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

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

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

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

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

C. LEAST PREFERABLE LOCATIONS.

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

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

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

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

SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.

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

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

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

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

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

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

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

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

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

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

SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

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

SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

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

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

B. EXEMPTIONS.

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

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

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

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

SECTION 74-11. UNDERGROUNDING REQUIREMENTS.

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

SECTION 74-12. GENERAL PROVISIONS.

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

2. FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.

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

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

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

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS indicate matter added to existing law.

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

~~Strikethroughs~~ indicate matter deleted from introduced ordinance.

COUNCIL OF THE TOWN OF RIVERDALE PARK

Revised Ordinance 2019-OR-06

Introduced By: CM Christopher Henry

Date Introduced: September 9, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

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

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

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

Key:
CAPS: Indicate matter added to existing law.

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

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

SECTION 74-1. PURPOSE.

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

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

SECTION 74-2. DEFINITIONS.

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

SECTION 74-3. REQUIREMENT TO COMPLY.

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

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

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

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

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

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

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

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

C. LEAST PREFERABLE LOCATIONS.

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

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

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

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

SECTION 74-6. CONSIDERATION OF ALTERNATE LOCATIONS.

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

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

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

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

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

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

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

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

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

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

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

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

SECTION 74-8. UNDERGROUND EQUIPMENT VAULTS.

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

SECTION 74-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

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

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

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

B. EXEMPTIONS.

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

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

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

SECTION 74-11. UNDERGROUNDING REQUIREMENTS.

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

SECTION 74-12. GENERAL PROVISIONS.

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

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

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

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

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor



Town of Riverdale Park, Maryland

Development Services

TO: John N. Lestitian, Town Manager

FROM: Kevin Simpson, Director of Development Services

Cc: Leadership Team

DATE: September 27, 2019

RE: Ordinance 2019-OR-07 correcting the codification of the provisions of Ordinance 2019-OR-03

Action Requested:

Staff request that the Mayor and Council provide input on Ordinance 2019-OR-07 to correct the codification of the provisions of Ordinance 2019-OR-03. Ordinance 2019-OR-07 is scheduled for adoption at the October 7, 2019 Legislative Meeting.

Background:

Ordinance 2019-OR-03, regarding Wireless Telecommunication Facilities in Public Rights-of-Way, was adopted on April 1, 2019 and was intended to create a new chapter of the Town Code. During the codification process it was determined that there was a numbering error specifically with regard to the Chapter number.

Ordinance 2019-OR-07 was drafted to correct the numbering error. There are no changes to the enacted legislation.

COUNCIL OF THE TOWN OF RIVERDALE PARK

ORDINANCE 2019-OR-07

Introduced By: CM Aaron Faulx

Date Introduced: September 9, 2019

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY

FOR the purpose of correcting the codification of the provisions of Ordinance 2019-OR-03.

EXPLANATORY STATEMENT: The Riverdale Park Town Council enacted Ordinance 2019-OR-03 on April 1, 2019, effective April 21, 2019. Ordinance 2019-OR-03 had 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.”

Ordinance 2019-OR-03 enacted these provisions to be codified in the Riverdale Park Town Code as new Chapter 71, Wireless Telecommunications Facilities in Public Rights-Of-Way, Sections 71-1 through 71-13, inclusive. However, at the time of enactment the Town Code already had a Chapter 71, “Tax on Operating Properties.” This Ordinance is enacted for the sole purpose of correcting this codification error.

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, Sections 71-1 through 71-13, inclusive, of the Riverdale Park Town Code, as enacted by Ordinance 2019-OR-03, is hereby recodified as Chapter 73, Wireless Telecommunications Facilities in Public Rights-Of-Way, Sections 73-1 through 73-13, inclusive, of the Riverdale Park Town Code, and shall be so reflected in the codification of the Town Code.

SECTION 2. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, that this Ordinance shall become effective twenty (20) calendar days after its passage by the Town Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor



Town of Riverdale Park, Maryland

Police Department

TO: John N. Lestitian, Town Manager

FROM: Rosa Guixens, Assistant Chief of Police

CC: Staff Leadership Team

DATE: September 27, 2019

RE: Noise Ordinance

Action Requested:

Staff seek input from the Mayor and Council on proposed Chapter 49- Noise Control.

Background:

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

Chapter 49 – Noise Control will clearly define:

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

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

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

Attachment:

Proposed Chapter 49 – Noise Control

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

2
3 **ORDINANCE 2019-OR-0__**

4
5
6 **Introduced By:**

7
8 **Date Introduced:**

9
10 **Date Adopted:**

11
12 **Date Effective:**
13 _____

14
15 **AN ORDINANCE** concerning

16
17 **NOISE CONTROL**

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

23
24 **BY** repealing

25
26 Chapter 50, PEACE AND GOOD ORDER
27 Section 50-11
28 Code of the Town of Riverdale Park
29 (January 2008 Revision as Supplemented)
30

31 **BY** adding

32
33 Chapter 49, NOISE CONTROL
34 Section 49-1 through 49-10
35 Code of the Town of Riverdale Park
36 (January 2008 Revision as Supplemented)
37

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

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

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

CHAPTER 49, NOISE CONTROL

SEC. 49-1. DECLARATION OF POLICY.

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

SEC. 49-2. DEFINITIONS.

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

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

AUTHORIZED DESIGNEE.

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

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

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

SEC. 49-3. PROHIBITIONS.

(A) MAXIMUM ALLOWABLE NOISE LEVELS.

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

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

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

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

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

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

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

- (A) IN AN EMERGENCY; OR

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

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

(3) SELLING ANYTHING BY OUTCRY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 49-5. WAIVERS.

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

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

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

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

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

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

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

SEC. 49-6. EXCEPTIONS.

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

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

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

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

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

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

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

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

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

SEC. 49-8. – DETERMINATION OF VIOLATION.

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

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

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

SEC. 49-9. - ENFORCEMENT AND PENALTIES.

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

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

CITATION TO THE PERSON COMMITTING THE VIOLATION.

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

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

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

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

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

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

John Lestitian, Town Manager

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to the Ordinance.

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

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



Town of Riverdale Park, Maryland

Police Department

TO: John N. Lestitian, Town Manager

FROM: Rosa Guixens, Assistant Chief of

CC: Police Staff Leadership Team

DATE: September 27, 2019

RE: Policy Regarding Weapons on Town Property

Action Requested:

Staff seek input from the Mayor and Council on a policy regarding weapons on Town-owned property.

Background:

The Riverdale Park Police Department has a policy in place that prohibits weapons in the Police Department building. Anyone entering the premises, along with their belongings, is subject to search. Signage in the Police Department building notifies visitors of this policy.

Staff request that the Mayor and Council take action to extend this policy to all Town government buildings. Following Council action, staff will erect signs in the remaining Town buildings to notify visitors of the policy.

Attachment:
Proposed Policy



Town of Riverdale Park, Maryland

Police Department

WEAPON POLICY

The Town of Riverdale Park does not permit weapons in any Town government buildings. Except for official purposes and by authorized personnel, an individual on the property may not carry open or concealed firearms, explosives, incendiary devices, or dangerous or deadly weapons. Exceptions to this policy will be for the following circumstances: A police officer in uniform, acting in his/her official capacity, and/or who is on official duty and representing their agency. Firearms may be carried as directed by the agency policy of the police officer for wearing and carrying firearms while in uniform.

Police officers not in uniform, who are acting in their official capacity as a representative of their agency, will display their badge of authority and conform to their agency's policy on wearing and carrying firearms.

DEFINITIONS:

- a. Weapon: For the purpose of this policy a "weapon" is defined as any firearm, knife, explosive, or other object (sharp objects, sporting equipment, tools, martial arts, and self-defense items) even if manufactured for a nonviolent purpose, that has a potentially violent use, or any "look-a-like" object that resembles an object that has a potentially violent use.
- b. Deadly Weapon: For the purpose of this policy, a "deadly weapon" is defined as any firearm, loaded or unloaded, or any weapon capable of causing death or great bodily harm. This includes, but is not restricted to: knives, [to include ANY lock blade knife or ANY knife with a total length of over three inches including handle length], daggers, brass knuckles, switchblade knives, butterfly knives, bowie knives, stilettos, butcher knives, pocket knives, or any weapon with which a dangerous cut can be given or dangerous thrusts can be inflicted. Examples include sword canes and any kind of sharp pointed canes, slingshots, bludgeons, or any other weapon which dangerous wounds can be inflicted (nunchucks, pellet guns, BB guns, paintball guns, soft pellet guns, live ammunition or ordnance, or chemicals that when mixed together become explosive.
- c. Firearm: For the purpose of this policy, a "firearm" is defined as any weapon, including a starter gun, capable of expelling a projectile by the action of an explosive. This includes the frame or receiver of any such weapon; any firearm muffler or silencer, or any destructive device. (i.e.: "MRE bomb", artillery simulator or exploding fireworks).



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

CC: Staff Leadership Team

DATE: September 25, 2019

RE: International Property Maintenance Code

Action Requested:

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

Background:

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

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

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

The proposed schedule for formal action follows:

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

Opportunities for public input include the following:

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

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

www.RiverdaleParkMD.gov

Telephone - 301.927.6381



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

DATE: September 27, 2019

RE: Proposed Sister City Computer Donation Program

Action Requested:

Staff seek input from the Mayor and Council regarding authorization to establish a partnership to provide dated Town-owned and surplus State-owned computers to our partners in Ipala, Guatemala.

Background:

The Town has been requested to aid in the creation of a computer lab for the residents of Ipala. The proposed computer donation program would send both dated Town-owned and surplus State-owned computers to our partners in Ipala, Guatemala.

No more than 20 computers are anticipated to be donated in a fiscal year. If the Mayor and Council desire to establish this program, a motion will be required at the October 7th, Legislative Session.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council
FROM: John N. Lestitian, Town Manager
DATE: September 28, 2019
RE: Ordinance 2019-OR-08 repealing Chapter 22 Clubs

Action Requested: Staff request that the Mayor and Council adopt Ordinance 2019-OR-08 to repeal Chapter 22 - Clubs of the Town Code at the October 7th Legislative Session.

Background: The 2019 Calendar Year Staff Goals include the review and update of various chapters within the Town Code. Chapter 22 – Clubs has been identified as a chapter requiring review. This Chapter was originally passed in 1954 and updated in 1994.

Prohibitions: The Chapter establishes the following prohibitions:

1. Maintaining any clubhouse or quarters devoted to club purposes in any place outside of a church, school, or municipal property without obtaining a permit from the Mayor and Council.

Required Permit and Process: Application shall be made to the Mayor and Council for a permit that includes in addition to common permit application information, the written consent of two-thirds of property owners within three hundred (300) feet of the proposed location. Additionally, a nominal fee of \$10.00 is established. Inspections must also be conducted by the [Town] Fire Marshal, Chief of Police and Building Inspector.

Penalties: Municipal Infraction Citation with a corresponding fine of one hundred dollars (\$100) per day.

Discussion: Land use is governed by the Prince George's County Zoning Ordinance. In the case of a club, the use will also be governed by the State Fire Protection Law, and various codes, ordinances, and regulations on the State and County level. The aspects of Chapter 22 such as restricting the number of attendees, type of construction, number of exists and the like are examples of items governed by the State and County. The Town does have substantial police powers to regulate and ensure safety, health, and welfare. The Town typically does this through licensing programs such as the rental and business licensing programs. The Town also has other tools to address issues related to neighborhood impact. Lastly, any club that engages in a business activity is required to obtain a Town business license as detailed in Chapter 42.

Staff searched available records and found no former application of this chapter. Additionally, staff have reviewed potential scenarios for the application of Chapter 22. Staff conclude that the combination of the various laws, codes, and regulations noted above render this Chapter obsolete.

COUNCIL OF THE TOWN OF RIVERDALE PARK

ORDINANCE 2019-OR-08

Introduced By: CM David Lingua

Date Introduced: September 7, 2019

Date Adopted:

Date Effective:

AN ORDINANCE concerning

Repeal of Chapter 22, Clubs

FOR the purpose of repealing Chapter 22, Clubs, in the Code of the Town of Riverdale Park.

BY repealing

Chapter 22, CLUBS
Code of the Town of Riverdale Park
(January 2008 Revision as Supplemented)

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, that Chapter 22, CLUBS, of the Code of the Town of Riverdale Park (January 2008 Revision as Supplemented) is repealed in its entirety.

SECTION 2. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, that that this Ordinance shall become effective twenty (20) calendar days after its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

Chapter 22

CLUBS

§ 22-1. Permit required; application; fees.

§ 22-2. Approval of permit.

§ 22-3. Penalties.

**[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.
Amendment
History noted where applicable.]**

REFERENCES

Municipal infractions -- See Chapter 46.

§ 22-1. Permit required; application; fees.

It shall be unlawful to maintain any clubhouse or quarters devoted to club purposes whether athletic, social, or recreational, in any place outside of a church, school, or municipal property without first obtaining a permit from the Mayor and Council. Application for a permit shall be made in writing, signed by the officers of the club. The application shall state the object of the club, the location of the premises, the period for which the permit is sought, the name and address of the owner of the property and of the officers of the club, and shall be accompanied by the written consent of the owners of two-third (2/3) of the property within a radius of three hundred (300) feet in all directions from the building or structure within which it is proposed such clubhouse or quarters devoted to club purposes shall be maintained, together with a fee of ten dollars (\$10) to cover the cost of issuing the permit.

§ 22-2. Approval of permit.

The application shall be referred to the town Fire Marshal, Chief of Police, and Building Inspector for the purpose of inspection by them and report to the Mayor and Council. The Mayor and Council, if satisfied that the premises conform to the laws and ordinances for the protection of public health and safety and that the activities proposed will not unduly disturb the peace of the neighborhood, may issue a permit as herein provided subject to such conditions as may be incorporated prescribing the hours of the activity therein, the number of persons that may be admitted to the premises at any one time in view of the type of construction and the number and adequacy of exits in the event of fire, with a provision that such permit may, after notice and hearing, be suspended or revoked for the making of a false statement of material fact in the application, for permitting any immoral or disorderly conduct, for allowing any activity or noise which unduly disturbs the public peace, or for violating any law or ordinance.

§ 22-3. Penalties. [Added 3-6-95, effective 3-26-95.]

Violations of this chapter are municipal infractions, the penalty for which shall be one hundred dollars (\$100) for each offense. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council
FROM: John N. Lestitian, Town Manager
CC: Paul Smith, Finance and Employee Services Director
DATE: September 28, 2019
RE: Charter Amendment: Article VI Finance, Section 623 Competitive Bidding

Action Requested: Staff request that the Mayor and Council adopt Charter Amendment Resolution 2019-CR-01 at the October 7 Legislative Meeting. The amendment as drafted addresses “piggybacking” contracts from other government entities and purchasing cooperatives or alliances that bid procurements on a volume basis for state or local governments. The proposed schedule for formal action follows:

- September 9, 2019 Introduction
- September 30, 2019 Public Hearing
- October 7, 2019 Adoption

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

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

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

Attachments: Charter Amendment Resolution 2019-CR-01 regarding Article VI, Section 623

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

Introduced By: CM David Lingua

Date Introduced: September 9, 2019

Date Adopted: _____, 2019

Date Effective: _____, 2019

A RESOLUTION concerning

CHARTER AMENDMENT – PROCUREMENT AND PIGGYBACKING

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

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

Key:

CAPITAL LETTERS indicate matter added to existing law.

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

ARTICLE VI Finance

§ 623: Competitive Bids

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

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

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

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

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

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

ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

APG Media of Chesapeake, LLC
P.O. Box 600
29088 Airpark Drive
Easton, MD 21601

08/29/19
2867229

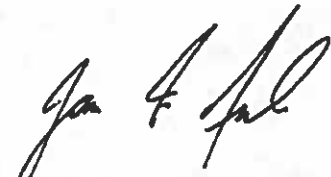
CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND

COUNTY OF: Prince George's County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "PUBLIC NOTICE September 30th..." was published in the:

The Enquirer-Gazette 09/05/19


James F. Normandin
President & Publisher

NOTICE OF PUBLIC HEARING
Mayor and Council of the Town of Riverdale Park will
a public hearing to receive public comments on a pro-
posed amendment to Article VI Finance, Section 623 Com-
petitive Bidding, of the Town Charter.
PLACE OF MEETING: Riverdale Park Town Hall, 5008
Queensbury Road, Riverdale Park, MD 20737
TIME: 7:30 p.m.
DATE: September 30, 2019
WRITTEN PUBLIC COMMENTS MAY BE SUBMITTED
TO: The Town of Riverdale Park at 5008 Queensbury Road,
Riverdale Park, MD 20737.
2867229 EQ (9-5)

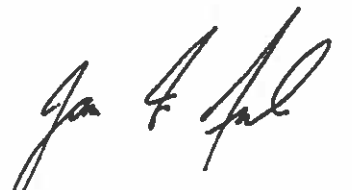
CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND

COUNTY OF: Prince George's County

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

The Enquirer-Gazette 09/12/19



James F. Normandin
President & Publisher

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

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

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

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

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

2869945 EQ (9-12)



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council
FROM: John N. Lestitian, Town Manager
DATE: September 27, 2019
RE: Code Review and Recommendation – Chapter 17 Camping

Action Requested: Staff seek direction from the Mayor and Council to prepare amendments to or for the repeal of Chapter 17 Camping, for introduction at the October 7th Legislative Session.

Background: The 2019 Calendar Year Staff Goals include the review and update of various chapters within the Town Code. Chapter 17 – Camping has been identified as a chapter requiring review. This Chapter was originally passed in 1954 and updated in 1994.

Prohibitions: The Chapter establishes the following prohibitions:

1. Any camping site or temporary place of abode for more than twenty-four (24) hours without a permit from the Mayor and Council; and
2. No person shall permit a camping site or temporary abode unless the parcel has sewage and water facilities.
3. Camping for a period in excess of one-week.

Required Permit and Process: Application shall be made to the Mayor and Council for a permit. A fee schedule is established.

Penalties: Municipal Infraction Citation with a corresponding fine of fifty dollars (\$50) per day.

Discussion: This Chapter was discussed at the August 26th Work Session and again briefly at the September 9th Legislative Session. The Town currently does not have established forms or processes for Camping Permit applications. A review of available records did not reveal any issuance of such permits or enforcement of this Chapter. Prince George's County regulates camping in trailers as part of the County's Zoning Ordinance in Section 27-261. Not covered in the zoning ordinance is the use of tents, wagons, or automobiles used as temporary abodes. Inasmuch as the regulation of camping may be a land use issue, the Town's authority to regulate land use is limited to aspects of vehicle parking, storage, and fences. The Town does have substantial police powers to regulate and ensure safety, health, and welfare.

INTENTIONALLY BLANK

Online research shows how other area jurisdictions have or have not addressed camping. Please note the following table:

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

It is important to note that while the activity of camping is not addressed in many area jurisdictions, these jurisdictions, like the Town, do address camping vehicles in ordinances related to parking.

If the Mayor and Council desire to regulate camping in a stand-alone ordinance, staff recommend the ordinance be narrowed to prohibit camping on Town owned property. Staff have examined various options to regulate camping on private property but has concluded that it is likely the conditions caused by long-term camping rather than the activity of camping that may negatively impact the Town. Conditions such as open storage, sanitation, the length of time a temporary structure may be erected, and the like are more properly addressed in other existing and proposed ordinances.

Recommendation: Staff recommend that the Town amend Chapter 17 Camping, to prohibit camping on Town-owned property. Extensive amendments would be required to accomplish this so for clarity it will be best if the ordinance is amended by repealing and replacing Chapter 17 with a new Chapter 17. Staff will be available to discuss the above at the Work Session.

Chapter 17 CAMPING

§ 17-1. Camping

§ 17-2. Sanitary requirements

§ 17-3. Permit required

§ 17-4. Permit fees

§ 17-5. Penalties.

**[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.
Amendment
History noted where applicable.]**

REFERENCES

Municipal infractions -- See Chapter 46.

§ 17-1. Camping.

It shall be unlawful to set up or establish for any period in excess of twenty-four (24) hours any camping site or temporary place of abode in any tent, wagon, trailer, automobile, or portable habitation without a permit from the Mayor and Council.

§ 17-2. Sanitary requirements.

No person shall allow any person or persons to use any place under his control as a camping site or temporary abode unless the lot or parcel of land, on which the same shall be established or used, is provided with suitable sewage and water facilities and can otherwise be maintained in a satisfactory condition and in conformity with all of the regulations and ordinances of the town.

§ 17-3. Permit required.

Any person desiring the use of any lot or parcel of land within the town for the purpose of setting or maintaining therein any camping site or temporary abode, as defined in § 17-1 of this chapter, for any period in excess of twenty-four (24) hours, shall apply to the Mayor and Council for a camping permit and the Mayor and Council in its discretion may authorize the issuance of such permit for tenure or occupancy not to exceed one (1) week.

§ 17-4. Permit fees.

Fees for the issuance of permits shall be as follows: for tenure of twenty-four (24) hours or less, no permit shall be required; for tenure not to exceed four (4) days, ten dollars (\$10); for tenure not to exceed one (1) week, twenty dollars (\$20).

§ 17-5. Penalties. [Added 3-6-95, effective 3-26-95.]

Violations of this chapter are municipal infractions, the penalty for which shall be fifty dollars (\$50) for each offense. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: September 27, 2019

RE: Request for Support – County Council Legislation

Action Requested: Staff seeks input from the Mayor and Council on two pieces of County legislation. At the October 7th Legislative Session, staff will be seeking authorization for the Town Manager to send a letter of support for these County legislative items.

Background: The Town received a request from County Council Member Glaros' office to provide letters of support for CB-51-2019 and CR-79-2019.

CB-51-2019 provides that the County must notify municipalities when the County receives payment of a Public Safety Surcharge for a project within the municipality. As previously discussed with the Mayor and Council, the Town had in the past not received timely payment of the Town's share of the surcharge. This legislative fix will assist the Town and supplement the Town's efforts to closely track eligible development projects.

CR-97-2019 provides a Revitalization Tax Credit for a multifamily residential and commercial development near the College Park Metro. This transit-oriented development is an example of the type of development that the Town hopes to see close to the Town's Purple Line Stations.

Staff will be present at the meeting to discuss further and respond to any questions or concerns.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-51-2019

Chapter No. _____

Proposed and Presented by Council Member Glaros

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Municipalities

3 For the purpose of requiring the County to notify municipalities when the County receives
 4 notification from a governmental body that it is disposing of property located within a
 5 municipality and when the County collects money on behalf of a municipality.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Sections 2-399, 2-400,

9 The Prince George's County Code

10 (2015 Edition; 2018 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 2-399 and 2-400 of the Prince George's County Code be and the same
 13 are hereby repealed and reenacted with the following amendments:

14 SUBTITLE 2. ADMINISTRATION.

15 DIVISION 27. [RESERVED] NOTICE TO MUNICIPALITIES.

16 **Sec. 2-399. [Reserved] Notice to municipalities of property disposed of by governmental**
 17 **bodies.**

18 When the County is notified by a governmental body that any property located in the
 19 County owned by a governmental body, including but not limited to property owned by the
 20 Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary
 21 Commission, Washington Metropolitan Area Transit Authority, or the State, is to be disposed of

1 and the property to be disposed of is also located in a municipality within the County, the County
2 shall give notice of the disposed of property to the municipality where the disposed property is
3 located.

4 **Sec. 2-400. [Reserved] Notice to municipalities of money collected on behalf a municipality.**

5 When the County collects any money or funds on behalf of a municipality within the
6 County, the County shall send notification to the municipality that the money or funds have been
7 received.

8 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
9 calendar days after it becomes law.

Adopted this _____ day of _____, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Resolution No. CR-79-2019
Proposed by Council Member Glaros
Introduced by Council Member Glaros, Turner, Franklin, Davis, Taveras,
Hawkins & Harrison
Date of Introduction September 24, 2019

RESOLUTION

1 A RESOLUTION concerning

2 Revitalization Tax Credit – College Park Metro Apartments

3 For the purpose of approving College Park Metro Apartments multifamily and commercial
4 development proposed by GD CP Metro, LLC as a revitalization project qualifying for a
5 revitalization or redevelopment tax credit, as provided in Section 10-235.02 of the Prince
6 George's County Code.

7 WHEREAS, Section 10-235.03 of the Prince George's County Code established a
8 Revitalization Tax Credit District, comprised of all census tracts wherein the median household
9 income does not exceed one hundred percent (100%) of the median household income for the
10 County, based upon the 2010 census; and

11 WHEREAS, Section 10-235.02 of the Code allows a developer of new multifamily
12 residential dwelling units and nonresidential improvements to apply for a tax credit, upon a
13 finding by the County Council that the development lies within one of the referenced census
14 tracts, and will promote redevelopment within the community; and

15 WHEREAS, GD CP Metro, LLC, developer of the residential and nonresidential project
16 known as College Park Metro Apartments, located at 4931 Calvert Road, College Park,
17 Maryland 20740, has made application for property consisting of approximately 5.58 acres in the
18 M-U-I/D-D-O Zone, being subject to Detailed Site Plans DSP-17007, referred to as College Park
19 Metro Apartments, to construct 451 multifamily dwelling units and 4,998 square
20 feet of retail commercial space; and

21 WHEREAS, GD CP Metro, LLC has entered into a Joint Development Agreement with the
22 Washington Metropolitan Area Transit Authority to develop the College Park Metro Apartments

1 on an existing surface parking lot; and

2 WHEREAS, College Park Metro Apartments will be the first residential development
3 within the College Park-Riverdale Park Transit District Overlay Zone and will promote
4 additional residential development within the Transit District to complement the existing 2
5 million square foot research park with more than 6,500 existing jobs; and

6 WHEREAS, census tract number 807102 lies within the Revitalization Tax Credit District
7 set forth in Section 10-235.03 of the Prince George's County Code; and

8 WHEREAS, the existing surface parking lot owned by the Washington-Metropolitan Area
9 Transit Authority is currently exempt from the payment of real estate taxes. The College Park
10 Metro Apartments will provide additional tax base and will assist in implementing the
11 recommendations of the College Park-Riverdale Park Transit District Development Plan and
12 Plan Prince George's 2035 to provide a mix of uses at the College Park Metro Station.

13 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
14 County, Maryland, that the Council finds that the proposed development of multifamily
15 residential units and nonresidential improvements, collectively known as College Park Metro
16 Apartments described herein, is eligible for the redevelopment and revitalization tax credit set
17 forth in Section 235.02 of the Prince George's County Code.

Adopted this ____ day of _____, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council