# Town of Riverdale Park
# August 26, 2019
# Work Session
# 8:00 p.m.

**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: 60" metal fence around patio area at Town Center Market, 4705 Queensbury Road
2. Street Closure Request: 6200 block of 43rd Street on September 28, 2019 from 11:00 a.m. to 7:00 p.m. for annual Block Party (Ward 1)
3. Update on Implementation of Residential Trash Collection Contract
4. Walk, Bike, Drive Safety Initiative
5. Licensing Agreement – Town Center Market
6. Amendment to Accessory Structure Grant Program
7. DSP-09028 (COPT Discovery District Development) Update
8. Small Cell Design Guidelines – Proposed Legislation
9. Vision and Commitment Statement
10. Charter Amendment for "Piggybacking" Contracts
11. Code Review and Recommendation: Chapter 17- Camping
12. Code Review and Recommendation: Chapter 22- Clubs
13. 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: August 20, 2019

RE: Fence Permit Request for 4705 Queensbury Road

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**Action Requested:**
Staff seeks input from the Mayor and Council regarding a fence permit request for a 60" metal fence at 4705 Queensbury Road, Town Center Market, pursuant to Chapter 66 of the Town Code.

**Background:**
The Town received a building permit application from Karl Granzow, on behalf of Spiropolus 14, LLC, for a 60" metal fence to enclose the newly expanded patio area at Town Center Market. The applicant obtained a Prince George's County permit for the project and a Town building permit for the patio expansion.

Please note the attached materials concerning the work.

*Attachments:*
*Riverdale Park Building Permit Application*
*Prince George's County Permit*
*Site Plan (Page 12)*
*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: 6726-2019
Town Permit Number: _____

# Permit Application

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

**Contact/Applicant:** Werrlein Properties, LLC/Karl Granzow (Name) 443-510-1274 (Phone Number)

**Property Information:** 4705 (Building Number) Queensbury Rd (Street Name) (Apartment/Suite)

**Property Owner Information:**

Spiropolus 14, LLC (Name) 301-758-3821 (Phone Number)

14400 (Building Number) Tarpon Terr (Street Name) (Apartment/Suite)

Silver Spring (City) Maryland (State) 20905 (Zip Code)

**Contractor Information:**

Werrlein Properties, LLC 522 Defense Hwy, Annapolis, MD 21401
(Company Name and Mailing Address)

Karl Granzow 443-510-1274
(Contact Person Name and Phone Number)

**Description of Work to be Completed:**

Add 60" high metal fence around outside eating area.

**Estimated Cost of the Project:** $15,000.00

**Pod/Storage Container and Dumpster:**

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

Other: _____

**Director of Public Works:** ☐ Approved ☐ Not Approved

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

Signature _____ Date July 24, 2019

*(Please see reverse side for additional information)*

Permit Revision 01/2018

4705 QUEENSBURY RD RIVERDALE 20737 CASE NUMBER : 6726-2019-00

# PRINCE GEORGE'S COUNTY

# PERMIT

ISSUANCE DATE : Jun-27-2019

EXPIRATION DATE :

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

**PROPERTY OWNER**

Spiropoulos 14 LLC
14400 Tarpon TER
Silver Spring, MD 20905 (443) 510-1274

**OCCUPANT**

**CONTRACTOR**

Werrlein Properties, LLC
522 Defense HWY
Annapolis, MD 21401 (443) 510-1274
LICENSE NUMBER: MHIC 131514

**ARCHITECT**

Suresh Boral
10875 Main ST
Fairfax, VA 22030 (703) 865-7122

TYPE OF PERMIT : **DPIE CEW**
WORK DESCRIPTION : **expansion of the exterior seating area covered by a new standing-seam meatal roof supported by pressure-treated wood posts and enclosed with a wr**
EXISTING USE : **Commercial**
USE (MNCPPC ZONING) : **SHOPPING CENTER STORE**
SUBDIVISION : **RIVERDALE PARK**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OWNERSHIP : | | HEIGHT FT : | 12 | | | ELECTRICITY : | |
| LIBER : | 20255 | WIDTH FT : | 11 | | 0 | CENTRAL A/C : | |
| FOLIO : | 615 | DEPTH FT : | 88 | OCCUPANCY LOAD : | | ELEVATOR : | |
| ED/ACCT NO. : | 19 / 2134682 | NO STORIES : | | SITE CERTIFICATE : | | ESCALATOR : | |
| LOT : | | DWELL UNTS : | | STRUCTURE CERT : | | BASEMENT : | |
| BLOCK : | 41 | PARKING SP : | 0 | SEWER : | WSSC | BOILER NUMBER : | |
| TAX MAP : | 042 | LIVE LOAD : | | WATER : | WSSC | CBCA : | N |
| SCD : | | USE GROUP : | | HEATING : | | HISTORICAL : | N |
| SPEC EXCEPT : | | TYPE CONST : | | PARCEL : | | SIGN NUMBER : | |

**Conditions**

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

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

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

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

Melinda Bolling

**Melinda Bolling**

INSPECTION AREA :

**INSPECTION APPROVALS**

| BUILDING INSPECTOR | HEALTH | ELECTRICAL | PLUMBING | FIRE MARSHALL |
|---|---|---|---|---|
| APPROVED : | | | | |

# TOWN CENTER MARKET
# OUTDOOR SITTING AREA PROPOSAL

4705 QUEENSBURY RD, RIVERDALE, MD 20737

## GRAPHIC SYMBOLS

- SECTION CALLOUT / SHEET NUMBER
- DETAIL CALLOUT / SHEET NUMBER
- ELEVATION CALLOUT / SHEET NUMBER
- DETAIL NUMBER / SHEET NUMBER
- INTERIOR ELEVATION / SHEET NUMBER
- WALL TYPE DESIGNATION / FIRE RATING
- FLOOR/ROOF ASSEMBLY / FIRE RATING
- SPOT ELEVATION
- WINDOW IDENTIFIER
- DOOR IDENTIFIER
- FLOOR HEIGHT IDENTIFIER
- KEYNOTE
- HANDICAPPED
- ROOM FINISH KEY (CORRIDOR)
- REVISION INDICATOR

| | |
|---|---|
| Construction type (as per chapter 6 IBC 2015) | Type II |
| Use group classification (as per chapter 3 IBC 2015) | B |
| Height | 15'-0" |
| Area of the building | 13 350 sf |
| Tenant space | 13 350 sf |
| Fire protections systems and type | Smoke detectors connected to the alarm system. Wash-in refrigerators and walk-in freezer have sprinklers. |

## PROJECT DATA

ADDRESS ..... 4705 Queensbury Rd
Riverdale, MD 20737

MAP / PARCEL ..... 0001 / 0024
ZONING ..... MU-TC
BLOCK / LOT ..... 41 / 16 HALF OF LOT 3
DISTRICT ..... 19
ACCOUNT # ..... 2044602

## JURISDICTION

PRINCE GEORGE COUNTY, Maryland

## APPLICABLE CODES

International Building Code - 2015
International Existing Building Code - 2015
International Fire Code - 2015
National Electric Code - NFPA 2014

All work and materials shall be in accordance with the current editions of the above codes as adopted by the governing authorities

## SCOPE OF WORK

1. Remove existing vegetation, stone & sign and material canopy at the main entrance

2. Install standing seam metal roof, 4" concrete slab (in) columns, and wrought iron fence for the expansion of seating area along Queensbury Rd

## CONTACT INFORMATION

OWNER
PETER SPIROPOULOS
14400 TARPON TERRACE
SILVER SPRING, MD 20905
301 756 3821

ARCHITECT
MICHAEL ROMERO
ATLAS COLLABORATIVE STUDIO
4106 GALLATIN STREET
HYATTSVILLE MD 20781
202 436 2200

STRUCTURAL ENGINEER
JOHNATHAN GRIFFITH PE
Sphinx Works LLC
757-348-3778

## SHEET INDEX


| | |
|---|---|
| CS-101 | COVER SHEET |
| A-101 | SITE PLOT PLAN |
| A-102 | SITE PLAN |
| A-103 | DEMO PLAN |
| A-104 | PROPOSED PLAN |
| A-201 | ELEVATIONS - EXG |
| A-202 | ELEVATIONS - PROP. |
| A-301 | SECTIONS |
| A-302 | DETAILS |
| A-303 | DETAILS |
| S-101 | STRUCTURAL PLANS |
| S-102 | STRUCTURAL PLANS |
| E-101 | ELECTRICAL PLAN |
| E-102 | REFLECTED CEILING PLAN |
| L-101 | EXG LANDSCAPE PLAN |
| L-102 | PROP. LANDSCAPE PLAN |
| SD-101 | SEDIMENT CONTROL - PHASE 1 |
| SD-102 | SEDIMENT CONTROL PLAN |
| SD-103 | SILT FENCE DETAIL |
| SD-104 | SILT FENCE ON PAVEMENT |



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202 436 2200
info@atlas-collaborative.org


REVISIONS:
1 04.17.19 FOR PERMIT COMMENTS
2 06.13.19 FOR PERMIT REVISIONS

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION
MICHAEL ROMERO, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 16844, EXPIRATION DATE JULY 31, 2020

REVISIONS LOG

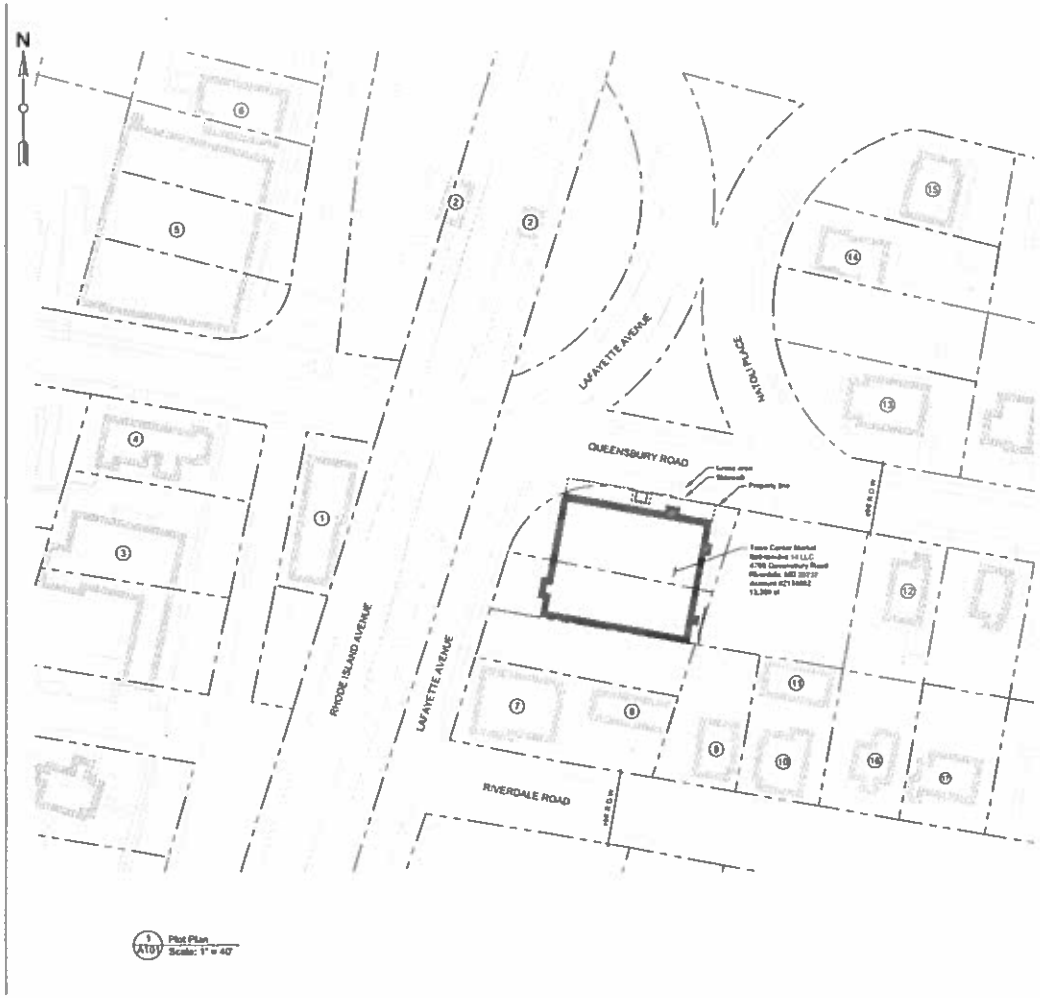
| DATE | PURPOSE |
|---|---|
| 04.17.19 | PERMIT SET |

DRAWN BY
MJR

PROJECT NUMBER
18011

COVER SHEET

CS-101




1 Jamal's Riverdale Park II LLC
4701 Queensbury Road
Riverdale, MD 20737
Account #2152122
4,183 sf

2 Riverdale Marc Station
Queensbury Road
Riverdale, MD 20737

3 Jamal's Riverdale II LLC
6100 Rhode Island Ave
Riverdale, MD 20737
Account #2134086
10,150 sf

4 Jamal's Riverdale Park LLC
6108 Rhode Island Ave
Riverdale, MD 20737
Account #2134963
6,400 sf

5 Jamal's Riverdale Park LLC
6202 Rhode Island Ave
Riverdale, MD 20737
Account #2141083
13,180 sf

6 Riverpost LLP
6220 Rhode Island Ave
Riverdale, MD 20737
Account #2148187
7,088 sf

7 Jamal's Riverdale Park II LLC
6133 Lafayette Ave
Riverdale, MD 20737
Account #2160019
6,080 sf

8 Spiropoulos Pete & Joan P
4700 Riverdale Rd
Riverdale, MD 20737
Account #2134450
9,000 sf

9 Spiropoulos Pete T &
Theodora P ET
4708 Riverdale Rd
Riverdale, MD 20737
Account #1234468
5,320 sf

10 Fisher John K
4710 Riverdale Rd
Riverdale, MD 20737
Account #2151619
6,000 sf

11 Reid Michele A
4713 Queensbury Rd
Riverdale, MD 20737
Account #2150969
6,000 sf

12 Hagan Gordon
4709 Queensbury Road
Riverdale, MD 20737
Account #2155983
6,000 sf

13 Yorke Jeffrey A
Nancy & Gregory
6201 Natoli Place
Riverdale, MD 20737
Account #2152080
10,000 sf

14 Yorke Jeffrey A
Nancy & Gregory
6205 Natoli Place
Riverdale, MD 20737
Account #2152096
15,038 sf

15 4709 Ritzenhouse LLC
4709 Ritzenhouse
Riverdale, MD 20737
Account #2152072
14,980 sf

16 McCarty Melanie L Etal
4712 Riverdale Road
Riverdale, MD 20737
Account #2156701
6,000 sf

17 Bui Duong T &
Phong T Doan
4714 Riverdale Road
Riverdale, MD 20737
Account #2151397
6,000 sf

LEGEND

- Property Line
- Adjacent Properties
- E.s. Property w/ Proposed Work
- Area of work

1 Plot Plan
A101 Scale: 1" = 40'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REVISIONS:

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. [illegible], EXPIRES [illegible]

MEETING LOG

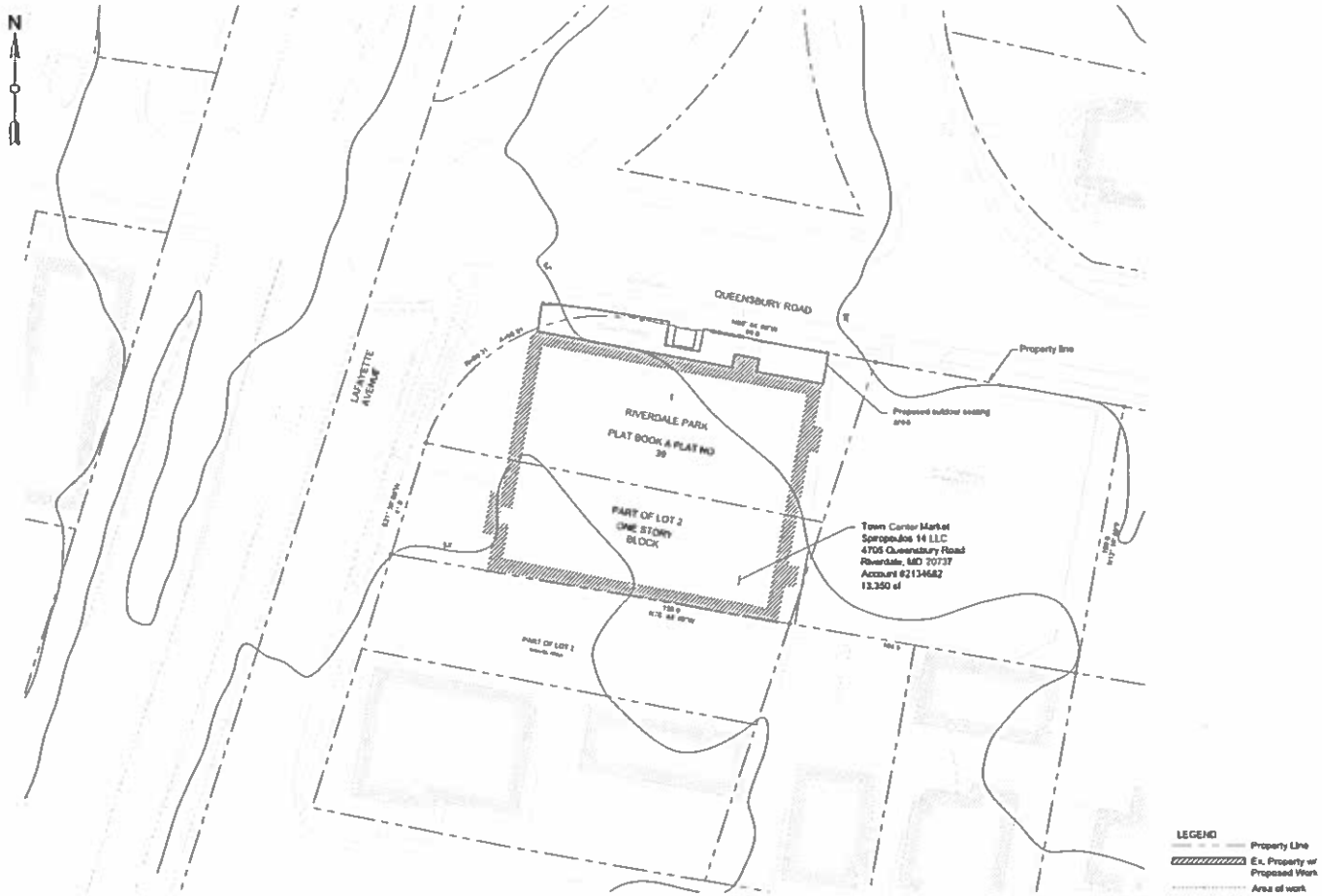
| DATE | PURPOSE |
|---|---|
| [illegible] | [illegible] |

DRAWN BY
MJR

PROJECT NUMBER
19019

PLOT PLAN

A-101




1 A102 Existing Site Plan
Scale: 1" = 20'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REVISIONS:

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 19866, EXPIRATION DATE JULY 1, 2020

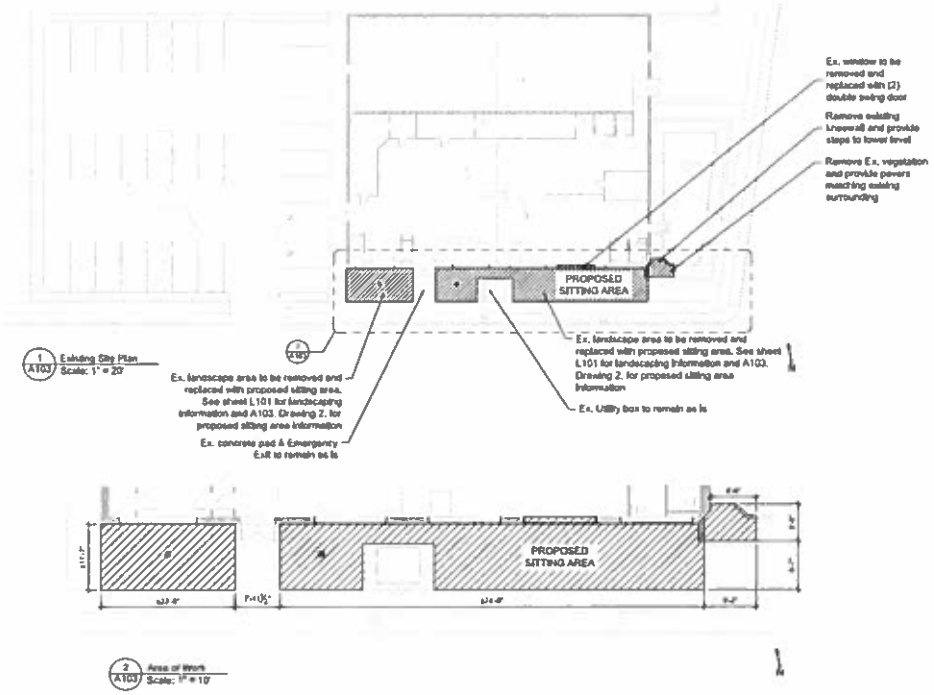
ISSUING HUB
DATE | PURPOSE

DRAWN BY
MJR

PROJECT NUMBER
18311

SITE PLAN

A-102

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REVISIONS:

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEEN ANNE'S RIVER ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 19246, EXPIRES ON DATE JULY 1, 2020

| DATE | DESCRIPTION |
|---|---|
| 06.27.19 | PLANNING BOARD |

DRAWN BY
MJR

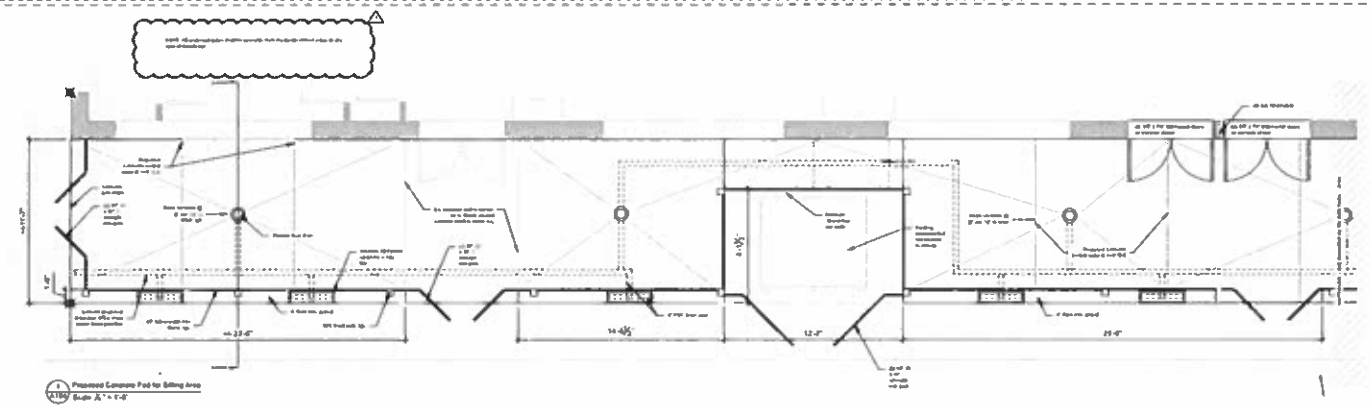
PROJECT NUMBER
18011

EXISTING / DEMOLITION PLAN

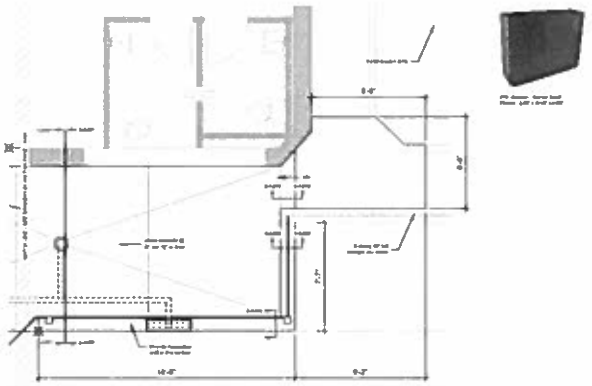
A-103

NOTE:
ALL WOOD STRUCTURE, TRIM AND SHEATHING TO BE FIRE RETARDANT TREATED

ALL OTHER MATERIALS TO BE NON-COMBUSTIBLE.



1 Proposed Concrete Pad for Seating Area
Scale: 1/4" = 1'-0"



1 Proposed Concrete Pad for Seating Area
Scale: 1/4" = 1'-0"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202 436 2200
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REVISIONS:

1 04.17.19
PER PERMIT COMMENTS

2 06.13.19
FOR PERMIT REVIEWING

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEEN ANNE'S BURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 19946, EXPIRES ON DATE JULY 31, 2020

| MARKING ISSUE | |
|---|---|
| DATE | PURPOSE |
| 04.13.19 | FOR PERMIT REVIEW |

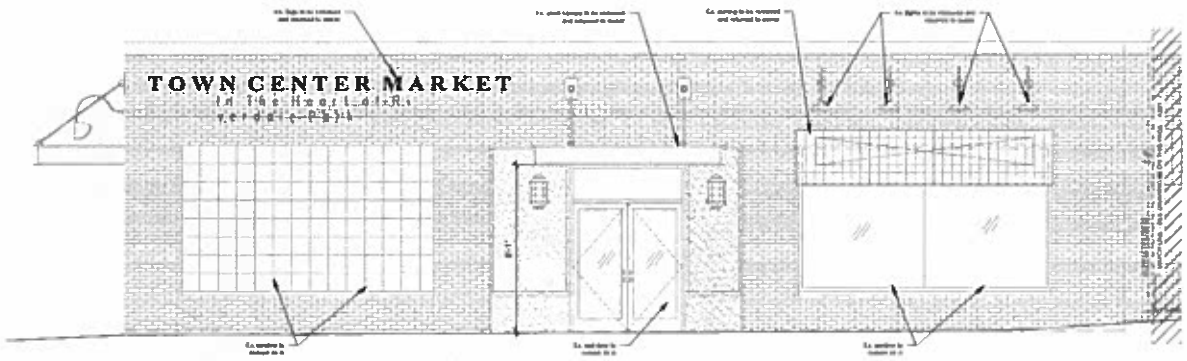
DRAWN BY
MJR

PROJECT NUMBER
19071

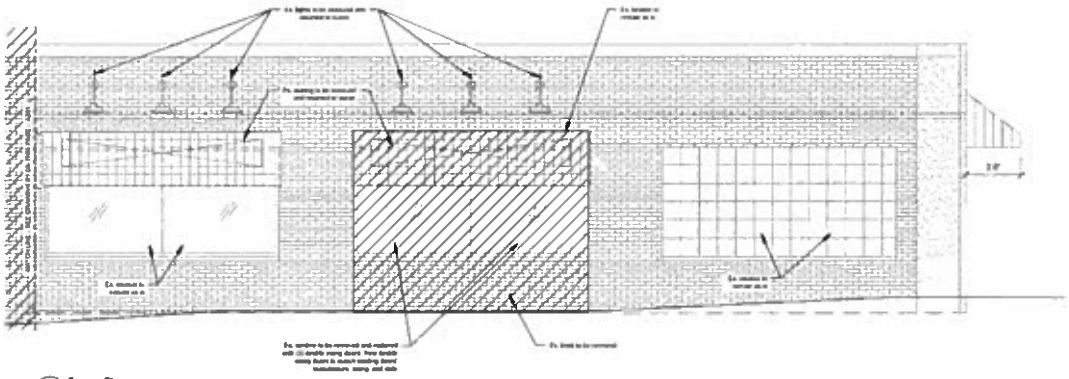
PROPOSED PLAN

A-104

NOTE
All holes created in brick walls from demolition to be patched and repaired to by water-tight.




1 A201 Existing Elevation
Scale ¼" = 1'-0"



1 A201 Existing Elevation
Scale ¼" = 1'-0"

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REVISIONS:
1 04.17.19
2 06.13.19

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION
I, MICHAEL ROBERTS, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 18884, EXPIRES NOV. 24, 2020

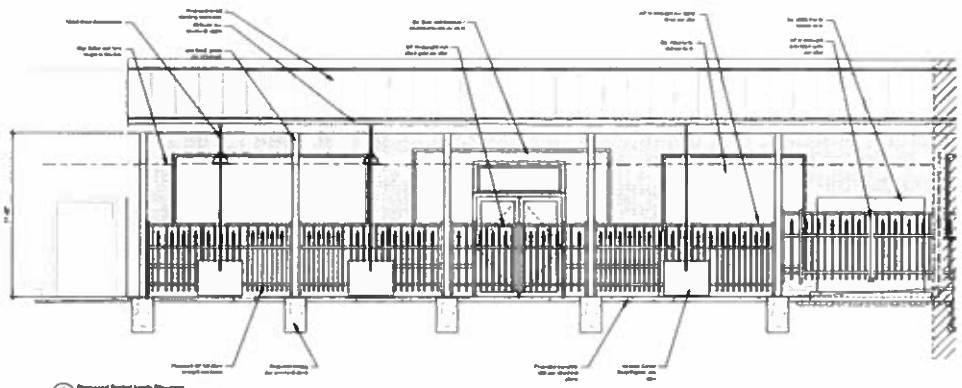
| DATE | PURPOSE |
|---|---|
| | PERMIT SET |

DRAWN BY
MJR

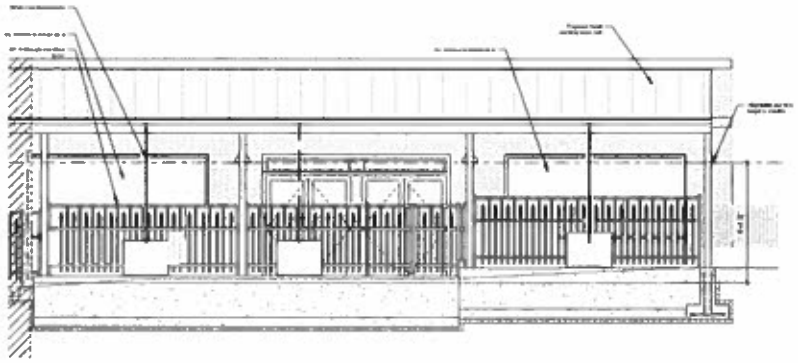
PROJECT NUMBER
19011

EXISTING ELEVATIONS

A-201



A-202 Proposed Partial North Elevation
Scale 3/8" = 1'-0"



2 A-202 Proposed Partial North Elevation
Scale 3/8" = 1'-0"


ATI AS COLLABORATIVE STUDIO
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202 436 2250
ericb@atiarc-collaborative.com


REVISIONS:

1 04.17.19
PCB Permit Comments

2 06.13.19
PCB Permit Revisions

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PERMIT JOB
DATE 04-09-2019
H. & P. PERMIT SET

DRAWN BY
MLPF

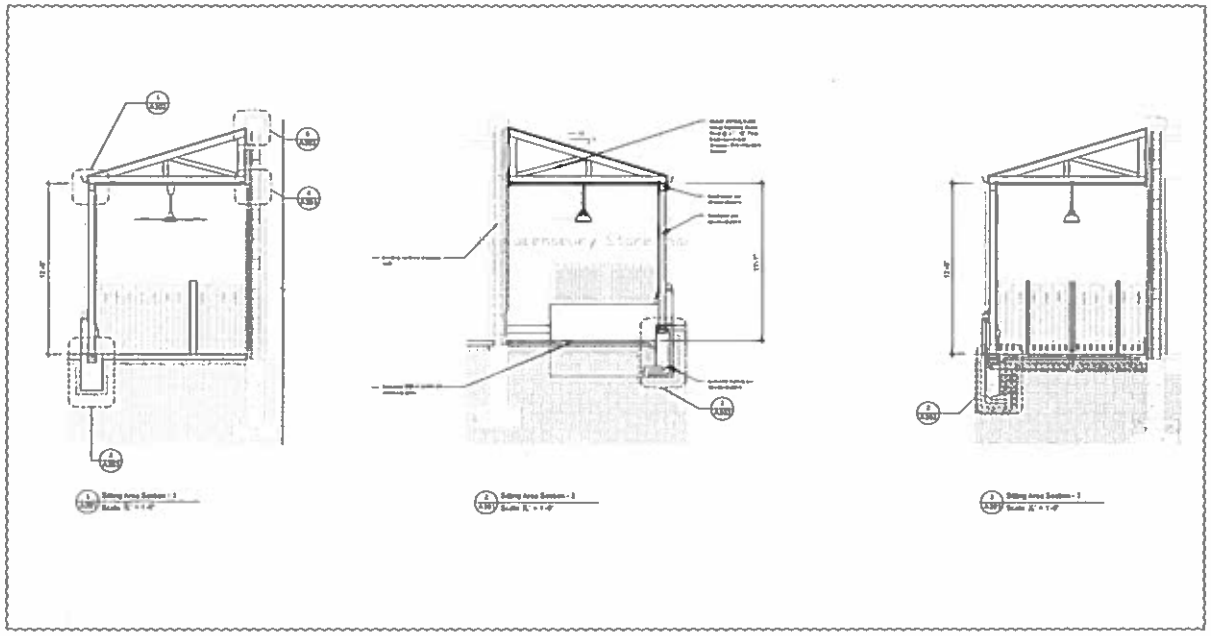
PROJECT NUMBER
18011

Proposed Elevations

A-202

NOTE.
ALL WOOD STRUCTURE, TRIM AND SHEATHING TO BE FIRE RETARDANT TREATED

ALL OTHER MATERIALS TO BE NON-COMBUSTIBLE.

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REVISIONS:

1 04 17 19
PER PERMIT COMMENTS

2 06 13 19
PER PERMIT REVISIONS

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION

I, MICHAEL ROSETTI, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 13394, EXPIRES 06/30/2020
DATE JULY 15, 2020

REVISION LOG

| DATE | PURPOSE |
|---|---|
| 06 13 19 | PERMIT SET |

DRAWN BY
MJR

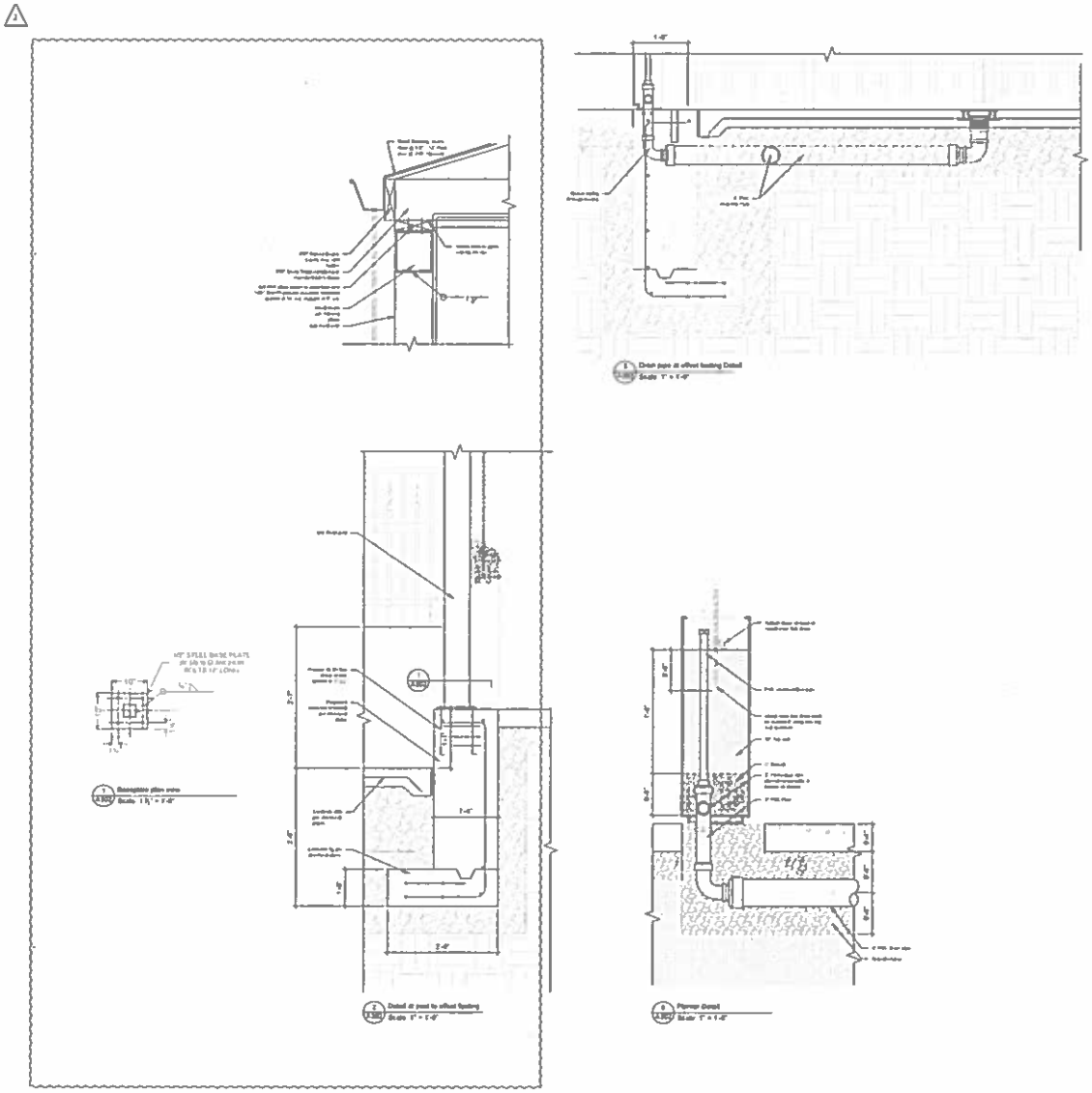
PROJECT NUMBER
18011

SECTIONS

A-301

NOTE:
ALL WOOD STRUCTURE, TRIM AND SHEATHING TO BE FIRE RETARDANT TREATED

ALL OTHER MATERIALS TO BE NON-COMBUSTIBLE.

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REVISIONS:

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE MD 20737

PROFESSIONAL CERTIFICATION

I, MICHAEL ANDERSON, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 17894, EXPIRES NOV. DATE JULY 1, 2020

| REVISIONS | |
|---|---|
| DATE | DESCRIPTION |
| 04.17.19 | PERMIT SET |

DRAWN BY
MJR

PROJECT NUMBER
19011

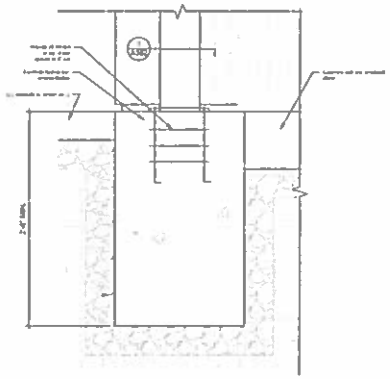
DETAILS

A-302

NOTE:
ALL WOOD STRUCTURE, TRIM AND SHEATHING TO BE FIRE RETARDANT TREATED

ALL OTHER MATERIALS TO BE NON COMBUSTIBLE.

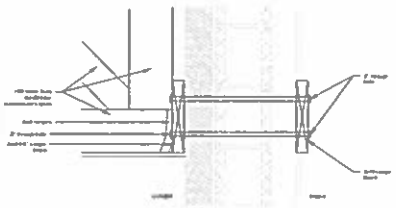
1



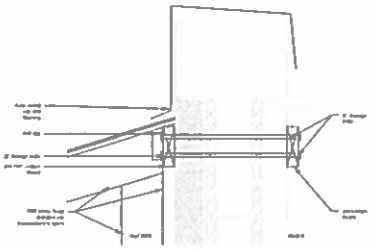
1 Post wood
Scale 3/4" = 1'-0"

2 Detail of Post at Seating Section 1
Scale 1/4" = 1'-0"

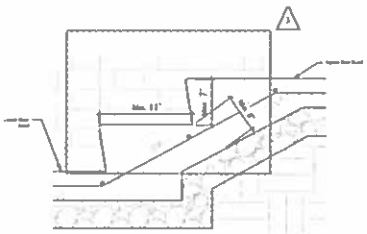
3 NOT USED
Scale 1/4" = 1'-0"



4 Ledger Board at Posts - Sheet
Scale 1/4" = 1'-0"



5 Ledger Board at Posts - upper



6 Typical Concrete Stairs Detail
Scale 1/4" = 1'-0"

ATLAS COLLABORATIVE STUDIO
4106 GALLATIN STREET
HYATTSVILLE MD 20781
202 436 2200
info@atlas-collaborative.org

REVISIONS:

1 04.11.19
PER PERMIT COMMENTS

2 06.13.19
PER PERMIT REVISIONS

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION

I, MICHAEL ROBERTS, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 7000, EXPIRATION DATE JUNE 11, 2020

| ISSUE DATE | PURPOSE |
|---|---|
| 04.11.19 | PERMIT SET |

DRAWN BY
MJR

PROJECT NUMBER
18011

DETAILS

A-303

NOTE:
ALL WOOD STRUCTURE, TRIM AND SHEATHING TO BE FIRE RETARDANT TREATED

ALL OTHER MATERIALS TO BE NON COMBUSTIBLE.

## GENERAL NOTES

1. Contractor shall verify all dimensions in the field and notify the Architect and Owner promptly of any discrepancy between the Contract Documents and actual field conditions. All conflicts and discrepancies shall be brought to the attention of the architect. The contractor shall not proceed with related work until the conflict is resolved.

2. The Contract drawings are diagrammatic and do not indicate all components and accessories required for the complete installation. The contractor shall provide such items to complete the entire system and place in proper operation in accordance with the applicable codes, industry standards, and equipment manufacturers' recommendations.

3. Structural components shall not be cut, drilled, or modified in any way without the review and approval of the architect or structural engineer.

## STRUCTURAL NOTES

1. Use Prince George's County, MD. Building code IBC 2015.

2. Loads: live floor Assembly - 40psf, roof - 30 psf - snow; wind 115 MPH exposure B importance 1, seismic loads accommodated by existing building, Wind accommodated by continuous sheathing method.

3. Foundations are designed for 2000 psf soil. Footing bottoms shall be at least 30" below grade and a minimum of 12" into existing natural soil.

4. Concrete - 3000 psi @ 28 days minimum, Reinforcing steel ASTM A615 grade 60. Use ACI standards.

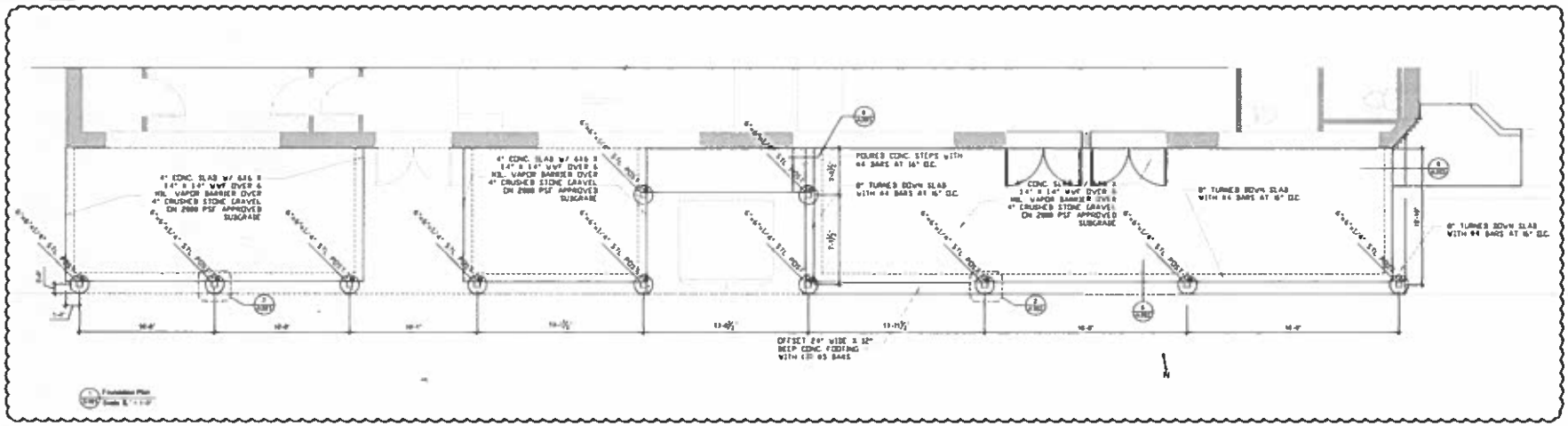
5. Framing lumber shall be Southern Pine #2 PT or better, unless noted otherwise. Use hurricane clips for all roof rafters. Use manufacturers standards for manufactured lumber. LVL fb=2650psi, e=1.8M psi. All exposed lumber to be pressure treated. Fasteners and Connectors: all exterior nails, bolts, hurricane straps and joist hangers shall be ZAAA galvanized or HDG galvanized.

6. Conc. Block reinforcement: use 9 gauge truss-type horizontal reinforcement every other course (dur-o-wall or equal). Vertical reinforcement: #5 bars @ 32" o.c. - Needed only where dirt is retained above 36" high. All conc. Block cells to be grout solid.

7. Contractor shall verify all dimensions in the field prior to construction.

8. Roof trusses by roof truss manufacturer. All members shall be fire retardant treated. Submit sealed shop drawings.

9. Roof: 1, 2" - 4" x 8" exterior OSB or ZipGuard fire retardant treated sheathing with metal clips between sheets. See sections for actual product supplied.




Foundation Plan
Scale: 1/4" = 1'-0"

ATLAS COLLABORATIVE STUDIO
4906 GALLANT STREET
HYATTSVILLE MD 20781
202 496 2300
info@atlas-collaborative.org

REVISIONS:
1 04.17.19 PER PERMIT COMMENTS
2 06.13.19 PER PERMIT REVISIONS

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

PROFESSIONAL CERTIFICATION
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 10700, EXPIRATION DATE: 12 SEPT 2020

| DATE | PURPOSE |
|---|---|
| 04.17.19 | PERMIT SET |

DRAWN BY
MJR

PROJECT NUMBER
19011

FOUNDATION PLANS

S-101

NOTE:
ALL WOOD STRUCTURE, TRIM AND SHEATHING TO BE FIRE RETARDANT TREATED

ALL OTHER MATERIALS TO BE NON-COMBUSTIBLE.

## GENERAL NOTES

1. Contractor shall verify all dimensions in the field and notify the Architect and Owner promptly of any discrepancy between the Contract Documents and actual field conditions. All conflicts and discrepancies shall be brought to the attention of the architect. The contractor shall not proceed with related work until the conflict is resolved.

2. The Contract drawings are diagrammatic and do not indicate all components and accessories required for the complete installation. The contractor shall provide such items to complete the entire system and place in proper operation in accordance with the applicable codes, industry standards, and equipment manufacturers' recommendations.

3. Structural components shall not be cut, drilled, or modified in any way without the review and approval of the architect or structural engineer.

## STRUCTURAL NOTES

1. Use Prince George's County, MD. Building code IBC 2015.

2. Loads: live -floor Assembly - 40psf, roof - 30 psf - snow; wind 115 MPH exposure B importance 1; seismic loads accommodated by existing building. Wind accommodated by continuous sheathing method.

3. Foundations are designed for 2000 psf soil. Footing bottoms shall be at least 30" below grade and a minimum of 12" into undisturbed natural soil.

4. Concrete - 3000 psi @ 28 days minimum. Reinforcing steel ASTM A615 grade 60. Use ACI standards.

5. Framing lumber shall be Southern Pine #2 FT or better, unless noted otherwise. Use hurricane clips for all roof rafters. Use manufacturers standards for manufactured lumber. LVL's fb=2650psi, e=1.9M psi. All exposed lumber to be pressure treated. Fasteners and Connectors, all exterior nails, bolts, hurricane straps and joist hangers shall be ZMAX galvanized or HDG galvanized.

6. Conc. Block reinforcement; use 9 gage truss-type horizontal reinforcement every other course (due-to-nail or equal). Vertical reinforcement. #5 bars @ 32" o.c. - needed only where dirt is retained above 36" high. All conc. Block cells to be grout solid.

7. Contractor shall verify all dimensions in the field prior to construction.

8. Roof trusses by roof truss manufacturer. All members shall be fire retardant treated. Submit sealed shop drawings.

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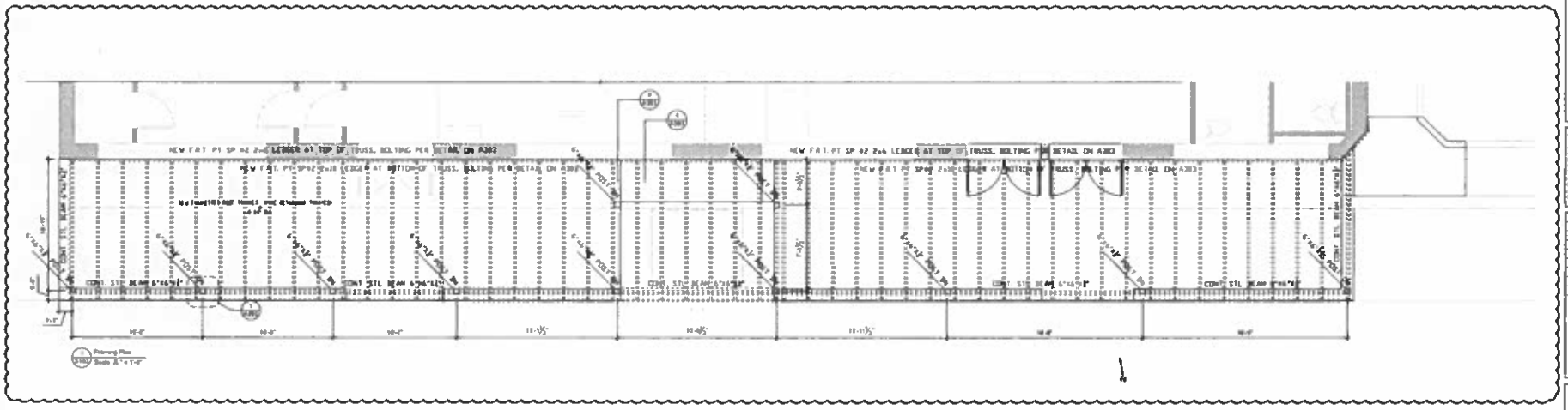



ATLAS COLLABORATIVE STUDIO
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HYATTSVILLE MD 20781
202 436 2200
info@atlas-collaborative.org


REVISIONS:

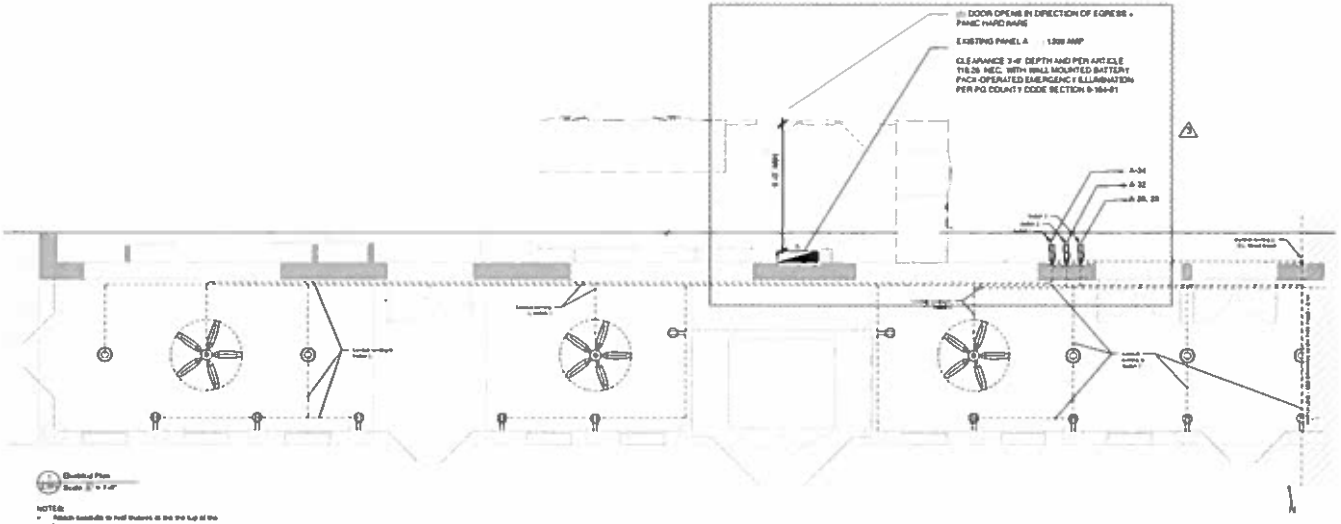
TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE MD 20737

DRAWN BY
MJR

PROJECT NUMBER
18031

FRAMING PLANS

S-102

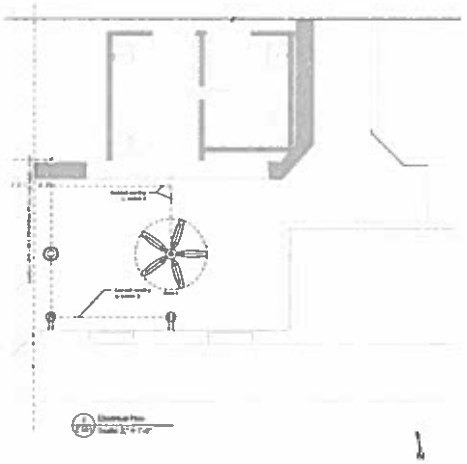



Electrical Plan
Scale 1" = 1'-0"

NOTES:

- Switch controlling Pendant Lights and Power outlets

Pendant Light
GFCI Electrical outlets at USB charger and Exterior power box
PVC Conduits (Hatch)



Electrical Plan
Scale 1" = 1'-0"

CTA CONSULTING ENGINEERS
220 N Adams St
Rockville, MD 20850
Tel. 301 762 7172

REVISIONS:

1 04.17.19
2 06.13.19
3 08.26.19

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

Drawn by
MJR

PROJECT NUMBER
18011

ELECTRICAL PLANS

E-1

## LIGHTING FIXTURE SCHEDULE

## CONDUIT & WIRE SIZE SCHEDULE

(UNLESS OTHERWISE SHOWN)

| CIRCUIT BREAKER TRIP | GROUND WIRE SIZE | 1 OR 2 POLE | | 3 POLE | |
|---|---|---|---|---|---|
| | | CONDUIT | WIRE | CONDUIT | WIRE |
| 20A | 1 #12 | 3/4" | #12 | 3/4" | #12 |
| 30A | 1 #10 | 3/4" | #10 | 3/4" | #10 |
| 40A | 1 #10 | 3/4" | #8 | 1" | #8 |
| 50A | 1 #10 | 3/4" | #6 | 1" | #8 |
| 60A | 1 #8 | 1" | #4 | 1 1/4" | #6 |
| 70A | 1 #8 | 1" | #4 | 1 1/4" | #4 |
| 80A | 1 #8 | 1 1/4" | #3 | 1 1/4" | #3 |
| 90A | 1 #8 | 1 1/4" | #2 | 1 1/4" | #2 |
| 100A | 1 #8 | 1 1/4" | #2 | 1 1/4" | #2 |

## GROUND ELECTRODE CONDUCTOR FOR AC SYSTEMS

| SIZE OF SERVICE ENTRANCE | SIZE OF GROUNDING ELECTRODE COPPER CONDUCTOR |
|---|---|
| 100A OR SMALLER | #8 |
| 150A | #6 |
| 200A | #4 |
| 300A | #2 |
| 400A | #1/0 |
| OVER 400A | #3/0 |
| | |
| | |

| VOLTAGE DROP CHART PER N.E.C. 210 | | |
|---|---|---|
| LENGTH | 16A @ 277V | 16A @ 120V |
| 0-100 | #12 | #12 |
| 100-200 | #10 | #10 |
| 200-300 | #8 | #8 |
| 300-400 | #8 | #6 |

## EXISTING PANEL SCHEDULE A

NEW CIRCUITS

## EXISTING PANEL SCHEDULE B UNCHANGED

## EXISTING PANEL SCHEDULE C UNCHANGED

CTA CONSULTING ENGINEERS
220 N Adams St
Rockville, MD 20850
Tel 301 762 7172

REVISIONS:

TOWN CENTER MARKET
OUTDOOR SEATING AREA
4705 QUEENSBURY ROAD | RIVERDALE, MD 20737

ELECTRICAL PANEL DIAGRAMS

E-2

25

Town Center Market
In The Heart of Hendersonville

Market

# Town of Riverdale Park, Maryland

## Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: August 23, 2019

RE: Street Closure Request: 6200 block of 43rd Street on September 28, 2019 from 11:00 a.m. to 7:00 p.m. for annual Block Party (Ward 1)

---

**Action Requested:**
No action is requested at the August 26th Work Session. Staff seeks input from the Mayor and Council on the street closure request for the 6200 block of 43rd Street on September 28, 2019 from 11:00 a.m. to 7:00 p.m. for a block party.

**Background:**
Staff received notice from the City of Hyattsville that Curtis Ramsey-Lucas of 6208 43rd Street has made his annual request to close the 6200 block of 43rd Street on the aforementioned date and time for a community block party. Mr. Ramsey-Lucas has submitted the required documentation, to include signatures from fifty percent of residents in favor of the block party, to the City of Hyattsville and the request has been approved.

Upon the Town's approval of the street closure, staff will coordinate with the City of Hyattsville regarding the September 28th street closure.

Staff is available to address any inquiries from Mayor and Council about this request.

# 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: August 23, 2019

RE: Update on Implementation of Residential Trash Collection Contract

**Action Requested:** No formal action is requested. Staff seek an opportunity to provide an update to the Mayor and Council on the implementation of the Residential Trash Collection Contract with Bates. Staff will be seeking an opportunity to update the Mayor and Council at each Work Session over the course of the next five (5) months.

**Overview:**
The new Residential Trash Collection Agreement with Bates took effect on July 1, 2019 and included several staff initiatives, enumerated performance standards, notification and reporting requirements and liquidated damages for noncompliance. This is the first staff report on what is working, pending items, and where improvements need to be made.

The most notable initiatives under the new agreement include a standalone Trash Concerns app and on the Town's website, a central point of contact for fielding and processing resident complaint calls, and the design and use of Notification Tags for improper setouts. Residents are encouraged to report a concern or trash container request 24/7 using the Trash Concerns app on the Town's website. The concern is transmitted directly to a Bates employee to resolve the concern and generates a response to Town staff and the reporting resident when the concern is resolved. Staff have trained several Bates employees at their site on use of the e-process and continue to work with them on compliance with the contracted timeline for resolutions. To date, the app has been used over 100 times.

The Town's Office of Administrative Services also processes concerns received by telephone. Staff inputs the information into the Trash Concerns app to create a central processing point for all concerns. This simplifies the process for residents; allows issue-tracking and provides a resource for residents without access to e-services. The Town also designed user-friendly Notification Tags to educate residents on proper setouts. Town staff will conduct a community scan next week and leave an adhesive-backed Notification Tag on improper setouts. Bates will also receive tags to post, though the logistics are still being worked out. Town staff are taking the lead on this education effort.

Performance:

- Monday yard waste collection has not been consistent and resident calls and online complaints confirmed it. The causes for the inconsistencies include:
    - Bates' new drivers; and
    - position vacancy at Bates for a dedicated route monitor (position recently filled); and
    - Bates' failure to prepare customer service staff for the collection day change.

  Town's response: The problem intensified in recent weeks prompting Department of Public Works staff to conduct a Town-wide scan and collect missed yard waste. This triggered the

liquidated damages provision and the Town will seek reimbursement of staff, equipment, and administrative costs.

Progress:

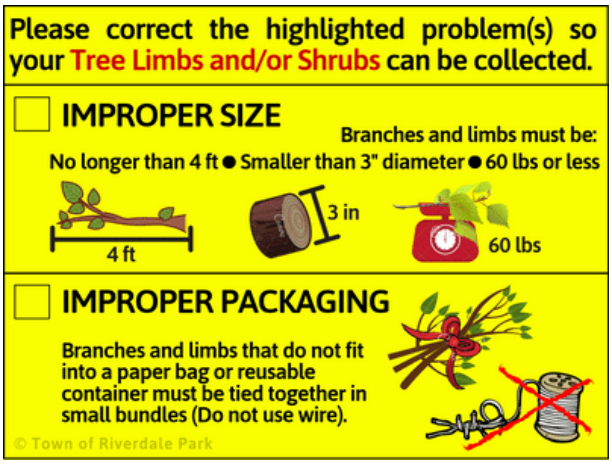
- Replacement container process has been changed. The process was somewhat in flux when the new contract started. Now there is a consistent message regarding the drop day of the week for containers, when old ones will be picked up, and the set-out procedure.

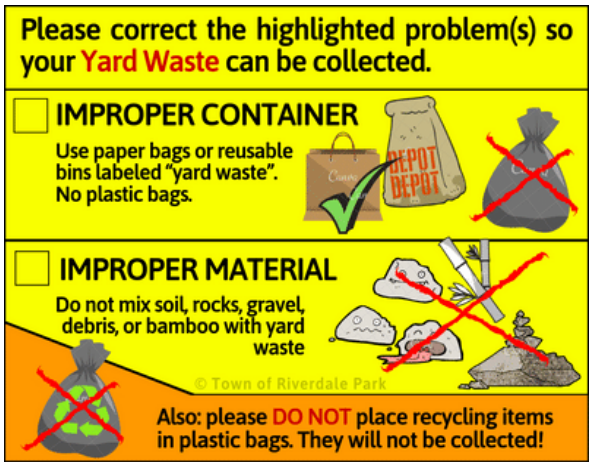
Communication:

- An initial performance review meeting was recently held. Monthly meetings are scheduled for the next six months.

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

**Notification Tags:**



# Town of Riverdale Park, Maryland

## Town Administration

TO: John N. Lestitian, Town Manager

FROM: Ivy Lewis, Director of Public Projects and Services
David Morris, Chief of Police

DATE: August 23, 2019

RE: Walk, Bike, Drive Safety Initiative

---

**Action Requested:**
No formal action is requested at the August 26th Work Session. Staff seek the opportunity to update the Mayor and Council on the Walk, Bike, Drive Safety Initiative.

**Background:**
On January 19th, the Town launched an ongoing effort to improve pedestrian and traffic safety. Numerous activities are in the planning stages and promotional materials have been prepared to educate the community on this important initiative.

Logo:

TOWN OF RIVERDALE PARK

#WBDTRP

# SideWALKs aren't sideBIKEs.

Keep sidewalks for pedestrians

www.riverdaleparkmd.gov

TOWN OF RIVERDALE PARK

#WBDTRP

# Bikers: road signs are for you, too.

www.riverdaleparkmd.gov

TOWN OF RIVERDALE PARK

#WBDTRP

# Eyes on the road.

## Not on your phone.

www.riverdaleparkmd.gov

TOWN OF RIVERDALE PARK

#WBDTRP

# Speeding Kills.

## always has, always will.

www.riverdaleparkmd.gov

TOWN OF RIVERDALE PARK

#WBDTRP

# Car doors kill.

Look for bikes
&
save a life.

www.riverdaleparkmd.gov

TOWN OF RIVERDALE PARK

#WBDTRP

Bikers:
stop, look, wait for peds.

# Save their life-and yours.

www.riverdaleparkmd.gov

# 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: August 23, 2019

RE: Licensing Agreement- Town Center Market, 4705 Queensbury

---

**Action Requested:**
No action is required at this time. Staff is informing the Mayor and Council in reference to an upcoming licensing agreement with Town Center Market to use a portion of the Town's right-of-way.

**Background:**
Town Center Market, located at 4705 Queensbury Road, recently obtained County and Town permits to expand their exterior patio seating area, facing the 4700 block of Queensbury Road. Prior to this project, Town Center Market had a landscaped area on their property, containing plantings and other vegetation. Due to the expansion of the patio, the plantings will have to be relocated. Town Center Market has requested that the plantings be relocated within the Town's public right-of-way on Queensbury Road. Staff is working with the Town Attorney to develop a licensing agreement, which stipulates the conditions for Town Center Market's use of the right-of-way.

Staff is available to address any questions from the Mayor and Council at the August 26th Work Session.

# Town Center Licensing Agreement Map

- **Red Outline = Public Right-of-Way**
- **Blue Outline = Town Center Market**

# Town of Riverdale Park, Maryland

## Office of Development Services

TO: John Lestitian, Town Manager

CC: Staff Leadership Team

FROM: Kevin Simpson, Development Services Director

DATE: August 23, 2019

RE: Resolution to Amend 2018-R-11 Accessory Structure Grant Program

---

**Action Requested:**
Staff requests that the Mayor and Council review the proposed draft resolution to amend Resolution 2018-R-11, concerning the Community Development Accessory Structure Grant Program.

**Background:**
On June 25, 2018, the Mayor and Council adopted Resolution 2018-R-11 to establish the Community Development Accessory Structure Grant Program. The purpose of this program is to enhance the conditions throughout the Town by aiding homeowners to repair and / or replace dilapidated fences, garages, sheds, and other accessory structures.

In the FY2020 Approved Budget, the Accessory Structure Grant Program is funded by a transfer of $25,000 from the General Fund Reserve. The grants under this program are capped at $1,000 and require a 1:1 match for each awardee.

Under the current program, the grant is awarded to qualified homeowners for repair and / or replacement of accessory structures. However, the removal of a chain-linked fence or any dilapidated fence or other accessory structure when no fence or accessory structure is being replaced is not an eligible use under the current program.

In keeping with the 2019 Calendar Year Goals, staff is proposing an amendment to the program in order to clarify that removal of a chain-link fence or any dilapidated fence or other accessory structure when no fence or accessory structure is being installed as a replacement, is an eligible use.

Staff will be available to answer questions from the Mayor and Council at the August 26th Work Session. Upon review from the Mayor and Council, staff will prepare the proposed draft resolution for adoption at the September 9th Legislative Meeting.

*Attachments:*

1. *Resolution 2018-R-11*
2. *Draft Resolution 2019-R-05*
3. *Exhibit A: Community Accessory Structure One-Pager with Proposed Amendment*

**COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND**

**RESOLUTION 2018-R-11**

**Introduced by:** **CM David Lingua**

**Date Introduced:** **June 25, 2018**

**Date Adopted:** **June 25, 2018**

**Date Effective:** **June 25, 2018**

**RESOLUTION REGARDING ACCESSORY STRUCTURE GRANT PROGRAM**

**EXPLANATORY STATEMENT:** The Mayor and Council of the Town of Riverdale Park desire to enhance the overall appearance of residential properties to promote quality housing and 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 demolish, improve, repair, or replace accessory structures on their property, including, fences, detached garages, sheds, and certain walls, and to replace chain link fencing with new fencing of alternate materials. To accomplish this objective, the Town Manager has recommended that the Mayor and Council adopt a matching grant program known as the Community Development Accessory Structure 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 Accessory Structure Grant Program - July 1, 2018" 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 July 1, 2018, whichever occurs last.

**ATTEST:**

Jessica E Barnes

Jessica Barnes, Town Clerk

**COUNCIL OF THE TOWN OF RIVERDALE PARK**

Alan K. Thompson, Mayor

EXHIBIT A TO RESOLUTION 2018-R-11

# Community Development Accessory Structure Grant Program – July 1, 2018

## *Come Grow with Us!*

**Description:** This matching grant program aids Town residents seeking to demolish, improve, repair, and /or replace accessory structures on their property, which includes, fences, detached garages, sheds, and certain walls. In addition, this program allows for residents to replace chain-link fences in their entirety with fences of different materials. The purpose of this program is to enhance the overall appearance of residential properties for quality housing and neighborhoods.

- **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:** R-55 Zone (Single-Family Residential)
- **Maximum Award:** Grant not-to-exceed **$1,000** 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 on primary structures or other non-accessory structures on the premises, and any work to repair chain-link fences.
- **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:

- Up to twelve (12) grants not to exceed one-thousand-dollars ($1,000) each may be made in FY2019 from the budgeted Community Development Fund.

Process:

- The program will be promoted through the Town's established outreach programs.
- Applications will be reviewed by staff team and recommendations for funding will be presented to the Mayor and Council for approval.

**COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND**

**RESOLUTION 2019-R-05**

**Introduced by:**

**Date Introduced:**

**Date Adopted:**

**Date Effective:**

**RESOLUTION REGARDING REVISION TO ACCESSORY STRUCTURE GRANT PROGRAM**

**EXPLANATORY STATEMENT:** On June 25, 2018, the Mayor and Council of the Town of Riverdale Park adopted Resolution 2018-R-11, effective July 1, 2018, to establish a Community Development Accessory Structure Grant Program to enhance the overall appearance of residential properties to promote quality housing and neighborhoods in Riverdale Park. The Town Manager and the Mayor and Council have determined that a change to the eligible uses established in Resolution 2018-R-11 is desirable.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK** that the Council hereby approves the "Community Development Accessory Structure Grant Program - July 1, 2018" 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.

| **ATTEST:** | **COUNCIL OF THE TOWN OF RIVERDALE PARK** |
|---|---|
| Jessica Barnes, Town Clerk | Alan K. Thompson, Mayor |

**EXHIBIT A TO RESOLUTION 2019-R-05**

# Community Development Accessory Structure Grant Program – July 1, 2018

## *Come Grow with Us!*

**Description:** This matching grant program aids Town residents seeking to demolish, improve, repair, and /or replace accessory structures on their property, which includes, fences, detached garages, sheds, and certain walls. In addition, this program allows for residents to replace chain-link fences in their entirety with fences of different materials. **The removal of a chain-link fence or any dilapidated fence or other accessory structure when no fence or accessory structure is being installed as a replacement, is also an eligible use**. The purpose of this program is to enhance the overall appearance of residential properties for quality housing and neighborhoods.

- **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:** R-55 Zone (Single-Family Residential)
- **Maximum Award:** Grant not-to-exceed **$1,000** 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 on primary structures or other non-accessory structures on the premises, and any work to repair chain-link fences.
- **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:

- Up to twelve (12) grants not to exceed one-thousand-dollars ($1,000) each may be made in FY 2020 from the budgeted 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 staff team under the direction of the Town Manager.

# 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: August 23, 2019

RE: DSP-09028 4600 River Road: Discovery District Development

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**Action Requested:**
No action is required at this time. Staff is updating the Mayor and Council in reference to an outstanding condition for Detailed Site Plan DSP-09028 at 4600 River Road, Riverdale Park, Maryland 20737, in the Discovery District.

**Background:**
In 2011, the Mayor and Council approved the application for DSP-09028 at 4600 River Road in the Discovery District, with several conditions, which were adopted by the Prince County Planning Board. For reference purposes, the conditions are included in the attached letter, dated September 9, 2011. The detailed site plan is in reference to a joint venture project involving the University of Maryland (UMD) and Commercial Office Properties Trust (COPT) to construct two new commercial / office buildings in Town.

Staff was recently informed by UMD and COPT that a remaining condition for the approved detailed site plan has not been met, and as a result, the project has been delayed. The remaining condition is (as specified in the September 9th letter); "Submit a safety plan to the Town of Riverdale Park outlining the safety measures to be taken at the site." There is no record that the Town approved the safety plan from UMD and COPT with respect to this project.

For UMD and COPT to proceed with obtaining their permits for the project, the Town must approve their security plan and notify the County of the approval. Staff reviewed the security plan and finds that it meets the Town's standards on public safety.

Staff is available to address any questions from the Mayor and Council at the August 26th Work Session.

*Attachments:*

1. *Mayor Vernon Archer Letter September 9, 2011*
2. *University of Maryland 4600 River Road Security Plan*

Vernon Archer
Mayor
Town of Riverdale Park
5008 Queensbury Rd.
Riverdale Park, 20737

September 7, 2011

Elizabeth M. Hewlitt
Chairman
M-NCPPC Prince George's County Planning Board
14741 Governor Owen Bowie Dr.
Upper Marlboro, MD 20772

Re: Detailed Site Plan DSP-09028; M Square Lots 15-17

Dear Ms. Hewlitt:

After reviewing it for several months, the Town of Riverdale Park Council considered the Detailed Site Plan DSP-09028 application at its September 6, 2011 meeting. At that time, the Council voted to support the application with the following conditions:

- The streetscape is installed as called for in the Transportation District Development Plan for the College Park-Riverdale Transportation District Overlay Zone, including that street trees are between the sidewalk and the street. **DONE.** THE REVISED PLANS SHOW THE STREETSCAPE AS CALLED FOR IN TDDP. THIS WILL BE THE ONLY PROPERTY ON RIVER ROAD IN COMPLIANCE WITH TDDP.

- An additional floor is added onto the parking garage while not increasing the total number of parking spaces, so as to reduce surface parking and increase structured parking. The area on the site freed up by this change must be dedicated to green space and/or pedestrian amenities. **DONE.** AN ADDITIONAL FLOOR WAS ADDED TO THE PARKING GARAGE AND ADDITIONAL GREEN SPACE WAS ADDED TO THE PLAN AS WELL AS PEDESTRIAN AMENITIES.

- Additional pedestrian amenities, such as plazas or other facilities, are built in order to enhance pedestrian access. Alternatively, the applicant may re-orient the buildings to better relate to one another in order to create pedestrian plazas. **DONE.** PEDESTRIAN PLAZAS WERE ADDED WITHIN THE PARKING LOT TO SERVE THE TWO BUILDINGS FRONTING ON RIVER ROAD. PER COMMENTS FROM COLLEGE PARK, THESE PLAZAS WERE RELOCATED ADJACENT TO BUILDING ALONG MAIN ENTRANCE DRIVE.

- A crosswalk is installed from the site across River Road. **DONE.** A CROSSWALK HAS BEEN SHOWN ON THE PLAN AND WILL BE INSTALLED SUBJECT TO DPW&T APPROVAL.

- The architectural design of the buildings is changed so as to provide more visual interest and distinguish each building from the others. This can include one or more of massing change, material changes, and architectural vocabulary changes. **DONE.** THE BUILDING ARCHITECTURE WAS MODIFED TO PROVIDE MORE VISUAL INTEREST AND ARTICULATION AS PER COMMENTS OF RIVERDALE PARK CITY COUNCIL FOLLOWING OUR MEETING OF SEPTEMBER 21, 2011.

- A traffic light allowing controlled left-turn exits onto River Road (possibly only operational during rush hour) should be added. A TRAFFIC CONTROL/SIGNAL WILL BE INSTALLED AT RIVER ROAD/UNIVERSITY RESEARCH COURT WITH OPENING OF NOAA. ANOTHER LIGHT WILL BE REQUIRED AT RIVER ROAD/RIVERTECH COURT WHEN THE PURPLE LINE IS BUILT. EITHER OR BOTH WILL HAVE A CONTROLLING EFFECT ON OUR ENTRANCE.

- Reduce the number of planned curb cuts from the site to River Road. THE LIMITED MOVEMENT ENTRANCES ARE CRITICAL TO THE EFFICIENT FLOW OF TRAFFIC ON-SITE AND REMOVING THESE MAY CREATE THE NEED FOR A THIRD TRAFFIC LIGHT. WITH THE RELOCATION OF THE PEDESTRIAN PLAZAS BETWEEN THE BUILDINGS AND THE FULL MOVEMENT ENTRANCE, THE LIMITED MOVEMENT ENTRANCES WILL REDUCE THE VEHICLES USING THE MAIN ENTRANCE.

- Incorporate Riverdale Park MARC station in the existing University of Maryland shuttle service to the area. THIS IS AN ITEM THAT CANNOT BE TIED TO THIS DETAILED SITE PLAN; BEST ADDRESSED A PART OF A TOWN REQUEST TO EXPAND SHUTTLE SERVICE TO SERVE RIVERDALE PARK RESIDENTS.

- Submit a safety plan to the Town of Riverdale Park outlining the safety measures to be taken at the site. THE EXISTING SAFETY PLAN IN PLACE FOR M SQUARE WILL BE EXTENDED TO SERVE LOTS 15-17. UMDPS HAS BEGUN DISCUSSION WITH RIVERDALE PARK TOWN POLICE REGARDING COVERAGE AND AREA DEVELOPMENT.

- The number of parking spaces proposed must remain within the total allowable number of parking spaces for the TDOZ. **AGREED.** THE NUMBER OF PARKING SPACES CONSTRUCTED WILL NOT EXCEED THE NUMBER ALLOWABLE IN THE TDOZ. THE SUBDIVISION OF THE LITTON PROPERTY WILL ALLOW SOME DENSITY AND PARKING ORIGINALLY PLANNED FOR THE NORTHERN AREA TO BE SHIFTED TO THE SUBJECT PROPERTY CLOSER TO THE METRO STATION.

- The project must conform to the existing anticipated trip generation and trip caps in the area. **AGREED.** THE NUMBER OF TRIPS ANTICIPATED BY THE TDOZ WILL NOT BE EXCEEDED. THE SUBDIVISION OF THE LITTON PROPERTY WILL ALLOW SOME DENSITY AND PARKING ORIGINALLY PLANNED FOR THE NORTHERN AREA TO BE SHIFTED TO THE SUBJECT PROPERTY CLOSER TO THE METRO STATION.

- The applicant shall provide a summary of phasing in regards to grading to the Town of Riverdale Park. **DONE.** THE SUBJECT PROPERTY IS ALREADY ROUGH GRADED AND IS GOVERNED BY AN ACTIVE AND VALID GRADING PERMIT AND SEDIMENT CONTROL PLAN. A COPY OF THE PROPOSED PHASING PLAN IS INCLUDED IN THE DETAILED SITE PLAN SUBMITTAL PACKAGE.

- All trees are native, and at least 30 % of shrubs are native. THE CURRENT LANDSCAPE PLAN DEPICTS 89% OF THE TREES AS NATIVE. ONLY ONE PROPOSED TREE SPECIES, THE NATCHEZ CREPE MYRTLE IS NON-NATIVE. 39% OF THE SHRUBS PROPOSED ARE NATIVE.

Thank you for your consideration.

Sincerely,

Vernon Archer
Mayor

UNIVERSITY OF
MARYLAND

DIVISION OF ADMINISTRATION & FINANCE
OFFICE OF REAL ESTATE

2101 Main Administration Building
7901 Regents Drive
College Park, Maryland 20742
301.405.1105 TEL
www.realestate.umd.edu

**VIA EMAIL AND**
**FIRST CLASS MAIL**

August 21, 2019

John N. Lestitian
Town Manager
Town of Riverdale Park
5008 Queensbury Road
Riverdale Park, MD 20737

Re: 4600 River Road Security Plan

Dear Mr. Lestitian:

We are pleased to let you know that site grading work is now underway at the University of Maryland/COPT joint venture's 4600 River Road project since mid-July. In addition to advancing the University's Discovery District goals, the lease of this property to the joint venture makes this property taxable increasing the Town of Riverdale Park's tax base.

We are struggling with a hurdle though. Our completion schedule is currently at risk due to the contractor's inability to begin foundation work prior to the issuance of the full Building Permit. Before it will sign off on the latter, M-NCPPC seeks confirmation of a conditions requested by the Town of Riverdale Park, per former Mayor Archer's attached 2011 letter to the Planning Board giving qualified support for the original Detailed Site Plan (DSP-09028). This specific condition read: "Submit a safety plan to the Town of Riverdale Park outlining the safety measures to be taken at the site." (The red notations to the attached letter were added at the time by our land use attorney to describe how each of those conditions would or could be addressed).

Accordingly, I outline for Town review and confirmation of concurrence the following "safety plan" related to 4600 River Road:

- Although ground leased to a joint venture, 4600 River Road is located on land owned by the State of Maryland, and the University of Maryland's police department therefore maintains jurisdiction. This legal structure, and these rules regarding such police jurisdiction, will extend to all the buildings, including 4600 River Road, that are part of the University of Maryland--Corporate Office Properties Trust ("COPT") joint venture.

- Emergency blue light kiosks monitored by UMD's police operations center have been installed along the paved trail which runs behind the 4600 River Road building and adjacent USDA property, and connects River Road to University Research Court. Blue light kiosks previously installed adjacent to 5825 and 5850 University Research Court will also be maintained.

- After-hours access to the 4600 River Road building will be controlled and monitored by COPT Property Operations, which will also extend its overnight, unarmed roving security guard service to 4600 River Road once it is occupied.

I trust that this information satisfies the Town's request for updated safety plans. Please let me know if you have any questions or require any additional information.

Sincerely yours,

Edward J. Maginnis
Assistant Vice President—Real Estate

# 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: August 23, 2019

RE: Small Cells Design Guidelines – Proposed Legislation

**Action Requested:**
No action is requested at this time. Staff is informing the Mayor and Council on the proposed legislation, *Draft Ordinance 2019-OR-06*, for design guidelines concerning wireless communication facilities.

**Background:**
At the July 1st Legislative Meeting, staff shared with the Mayor and Council proposed legislation for small cells design. This legislation serves as a companion to Ordinance 2019-0R-03, which established general standards and regulations for the placement of wireless communication facilities within the Town's public rights-of-way. The proposed draft ordinance provides specific guidelines to the location and design of wireless communication facilities. The goals of this draft ordinance include:

1. 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;

2. 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;

3. Preserve the character of the Town's neighborhoods and corridors, by limiting visual blight;

4. 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

5. Comply with, and not conflict with or preempt, all applicable state and federal laws.

Staff plans to present the proposed legislation to the Mayor and Council for introduction during the September 9th Legislative Meeting in order to seek further consideration and input.

Staff will be available at the August 26th Work Session to address any comments or questions from the Mayor and Council.

*Attachments:*

1. *Draft Ordinance 2019-OR-06: Wireless Telecommunications Design Guidelines*

2. *Ordinance 2019-OR-03: Wireless Telecommunications Facilities in Public Rights-of-Way*

# COUNCIL OF THE TOWN OF RIVERDALE PARK

## Ordinance No. 2019-OR-06

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**Introduced By:**

**Date Introduced:**

**Amendments Adopted:**

**Date Adopted:**

**Date Effective:**

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**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

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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 I**f 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 No. 2019-OR-03

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**Introduced By:** CM Aaron Faulx

**Date Introduced:** March 4, 2019

**Amendments Adopted:** April 1, 2019

**Date Adopted:** April 1, 2019

**Date Effective:** April 21, 2019

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**AN ORDINANCE** concerning

**WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY**

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

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

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

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Key:
CAPS : Indicate matter added to existing law.

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

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

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

**SECTION 1. BE IT ENACTED, BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK** that Chapter 71, "Wireless Telecommunications Facilities in Public Rights-Of-Way", consisting of Sections 71-1 through 71-13, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 70 of the Code and to read as follows:

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

### SECTION 71-1. SCOPE.

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

(1) COLLOCATION OF A SMALL WIRELESS FACILITY;

(2) ATTACHMENT OF A SMALL WIRELESS FACILITY TO A POLE OWNED BY AN AUTHORITY;

(3) INSTALLATION OF A POLE; OR

(4) MODIFICATION OF A SMALL WIRELESS FACILITY OR A POLE,

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

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

(1) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES ON SUPPORTING STRUCTURES OWNED, OR UNDER THE CONTROL OF, THE TOWN, THE USE OF WHICH IS SUBJECT TO A CONTRACT FOR USE OF THE FACILITY BETWEEN THE TOWN AND THE ENTITY OR ENTITIES THAT OWN OR CONTROL THE WIRELESS TELECOMMUNICATIONS FACILITY;

(2) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES BY THE TOWN OR BY ANY OTHER AGENCY OF THE STATE SOLELY FOR PUBLIC SAFETY PURPOSES.

(3) MODIFICATIONS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT MAKES NO MATERIAL CHANGE TO THE FOOTPRINT OF THE FACILITY OR TO THE SURFACE OR SUBSURFACE OF A PUBLIC STREET IF THE ACTIVITY DOES NOT DISRUPT OR IMPEDE TRAFFIC IN THE TRAVELED PORTION OF A STREET, AND IF THE WORK ACTIVITY DOES NOT CHANGE THE VISUAL OR AUDIBLE CHARACTERISTICS OF THE WIRELESS TELECOMMUNICATIONS FACILITY. THE TOWN, BY REGULATION, MAY ALSO EXEMPT WIRELESS TELECOMMUNICATIONS FACILITIES THAT OTHERWISE ARE SUBJECT TO THE PROVISIONS OF THIS SECTION FROM THE OBLIGATION TO OBTAIN A PERMIT TO INSTALL OR MODIFY A WIRELESS TELECOMMUNICATIONS FACILITY WHERE IT IS DETERMINED THAT BECAUSE OF THE PHYSICAL CHARACTERISTICS OF THE PROPOSED FACILITIES, AND THE WORK ASSOCIATED WITH THEM, SUCH A PERMIT IS NOT REQUIRED TO PROTECT THE PUBLIC HEALTH, WELFARE OR SAFETY, TO MAINTAIN THE CHARACTER OF A NEIGHBORHOOD OR CORRIDOR, OR TO OTHERWISE SERVE THE PURPOSES OF THIS ORDINANCE.

(4) INSTALLATION OF A MOBILE CELL FACILITY OR A SIMILAR STRUCTURE FOR A TEMPORARY PERIOD IN CONNECTION WITH AN EMERGENCY OR EVENT, BUT NO LONGER THAN REQUIRED FOR THE EMERGENCY OR EVENT, PROVIDED THAT INSTALLATION DOES NOT INVOLVE EXCAVATION, MOVEMENT OR REMOVAL OF EXISTING FACILITIES, AND THAT AT LEAST 30 DAYS PRIOR WRITTEN NOTIFICATION IS PROVIDED TO THE TOWN, AND CONSENT FOR PLACEMENT IS GRANTED.

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

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

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

**SECTION 71-2. DEFINITIONS.**

TERMS USED IN THIS ARTICLE SHALL HAVE THE FOLLOWING MEANINGS:

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

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

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

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

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

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

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

(1) WAS PROPERLY PERMITTED, INCLUDING, WITHOUT LIMITATION, ALL REQUIRED PERMITS FOR BUILDING, ELECTRICAL WORK, STREET OR CURB CUTTING, AND EXCAVATION;

(2) WAS DONE IN COMPLIANCE WITH AND FULFILLMENT OF ALL CONDITIONS OF ALL PERMITS, INCLUDING ALL STATED DEADLINES;

(3) WAS FULLY CONSTRUCTED AND/OR PLACED AS APPROVED AND PERMITTED; AND

(4) WAS FINALLY INSPECTED BY THE TOWN, AND WAS APPROVED BY THE TOWN AFTER THE FINAL INSPECTION.

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

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

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

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

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

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

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

I. IS 50 FEET OR LESS IN HEIGHT, OR

II. IS NO MORE THAN 10 PERCENT TALLER THAN OTHER ADJACENT STRUCTURES, OR

III. IS NOT EXTENDED TO A HEIGHT OF MORE THAN 10 PERCENT ABOVE ITS PREEXISTING HEIGHT AS A RESULT OF THE COLLOCATION OF NEW ANTENNA FACILITIES; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

A. GENERALLY. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL MEET THE MINIMUM REQUIREMENTS SET FORTH IN THIS CHAPTER AND ANY WIRELESS REGULATIONS APPROVED BY THE MAYOR AND COUNCIL, IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE LAW.

B. REGULATIONS. THE WIRELESS REGULATIONS AND ADMINISTRATIVE DECISIONS ON APPLICATIONS FOR PLACEMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY OR ON TOWN PROPERTY SHALL, AT A MINIMUM, ENSURE THAT THE REQUIREMENTS OF THIS SECTION ARE SATISFIED, UNLESS IT IS DETERMINED THAT APPLICANT HAS ESTABLISHED THAT DENIAL OF AN APPLICATION WOULD, WITHIN THE MEANING OF FEDERAL LAW, PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF PERSONAL WIRELESS SERVICES, OR OTHERWISE VIOLATE APPLICABLE LAWS OR REGULATIONS. IF THAT DETERMINATION IS MADE, THE REQUIREMENTS OF THIS CHAPTER AND ANY TOWN WIRELESS REGULATIONS MAY BE WAIVED, BUT ONLY TO THE MINIMUM EXTENT REQUIRED TO AVOID THE PROHIBITION.

C. STANDARDS. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE INSTALLED AND MODIFIED IN A MANNER THAT:

(1) MINIMIZES RISKS TO PUBLIC SAFETY, AVOIDS PLACEMENT OF ABOVE GROUND FACILITIES IN UNDERGROUND AREAS, AVOIDS INSTALLATION OF NEW SUPPORT STRUCTURES OR EQUIPMENT CABINETS IN THE PUBLIC RIGHTS-OF-WAY, MAXIMIZES USE OF EXISTING STRUCTURES AND POLES, AVOIDS PLACEMENT IN RESIDENTIAL AREAS WHEN COMMERCIAL AREAS ARE REASONABLY AVAILABLE, AND OTHERWISE MAINTAINS THE INTEGRITY AND CHARACTER OF THE NEIGHBORHOODS AND CORRIDORS IN WHICH THE FACILITIES ARE LOCATED;

(2) ENSURES THAT INSTALLATIONS ARE SUBJECT TO PERIODIC REVIEW TO MINIMIZE THE INTRUSION ON THE RIGHTS-OF-WAY;

(3) UNLESS APPROVED BY THE TOWN, ANY WIRELESS TELECOMMUNICATIONS FACILITY MUST BE LOCATED NO CLOSER THAN:

I. TWO (2) FEET FROM ANY CURB, SIDEWALK, OR OTHER

IMPROVEMENT WITHIN THE RIGHT-OF-WAY; AND

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

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

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

(5) ENSURES THAT LOCATION OF FACILITIES ON EXISTING POLES OR STRUCTURES IS WITHIN THE TOLERANCE OF THOSE POLES OR STRUCTURES TO SUPPORT THE FACILITIES.

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

(1) ANTENNAS LOCATED AT THE TOP OF SUPPORT STRUCTURES SHALL BE INCORPORATED INTO THE STRUCTURE, OR PLACED WITHIN SHROUDS OF A SIZE SUCH THAT THE ANTENNA APPEARS TO BE PART OF THE SUPPORT STRUCTURE.

(2) ANTENNAS PLACED ELSEWHERE ON A SUPPORT STRUCTURE SHALL BE INTEGRATED INTO THE STRUCTURE, OR BE DESIGNED AND PLACED TO MINIMIZE VISUAL IMPACT.

(3) RADIO UNITS OR EQUIPMENT CABINETS HOLDING RADIO UNITS AND MOUNTED ON A UTILITY POLE SHALL BE PLACED AS HIGH AS POSSIBLE ON A SUPPORT STRUCTURE, LOCATED TO AVOID INTERFERING WITH, OR CREATING ANY HAZARD TO, ANY OTHER USE OF THE PUBLIC RIGHTS-OF-WAY, AND LOCATED ON ONE SIDE

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

(4) WIRING AND CABLING SHALL BE NEAT AND CONCEALED WITHIN OR FLUSH TO THE SUPPORT STRUCTURE, ENSURING CONCEALMENT OF THESE COMPONENTS TO THE GREATEST EXTENT POSSIBLE.

(5) GROUND-MOUNTED EQUIPMENT ASSOCIATED WITH A WIRELESS TELECOMMUNICATIONS FACILITY SHALL BE PERMITTED ONLY WHERE CONSISTENT WITH THE PORTION OF THE CORRIDOR IN WHICH IT IS TO BE PLACED, AND MAY BE REQUIRED TO BE UNDERGROUND, LOCATED IN ALLEYS OR OTHERWISE SHIELDED. IN NO EVENT MAY GROUND-MOUNTED EQUIPMENT INTERFERE WITH PEDESTRIAN OR VEHICULAR TRAFFIC.

(6) NO PERMIT SHALL BE ISSUED OR EFFECTIVE UNLESS IT IS SHOWN THAT THE WIRELESS TELECOMMUNICATIONS FACILITY WILL COMPLY WITH FEDERAL COMMUNICATION COMMISSION ("FCC") REGULATIONS GOVERNING RADIO FREQUENCY ("RF") EMISSIONS. EVERY WIRELESS FACILITY SHALL AT ALL TIMES COMPLY WITH APPLICABLE FCC REGULATIONS GOVERNING RF EMISSIONS, AND FAILURE TO COMPLY THEREWITH SHALL BE A TREATED AS A MATERIAL VIOLATION OF THE TERMS OF ANY PERMIT OR LEASE.

(7) NO TOWERS SHALL BE PERMITTED IN THE PUBLIC RIGHTS-OF-WAY, AND NO WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE PERMITTED ABOVE-GROUND IN UNDERGROUND AREAS; PROVIDED THAT THE TOWN MAY PERMIT PLACEMENTS WHERE ALL ELEMENTS OF THE WIRELESS TELECOMMUNICATIONS FACILITY ARE CONCEALED AND THE FACILITY DOES NOT APPEAR TO A CASUAL OBSERVER TO BE A WIRELESS TELECOMMUNICATIONS FACILITY.

(8) NO PERMIT SHALL ISSUE EXCEPT TO WIRELESS SERVICE PROVIDERS WITH IMMEDIATE PLANS FOR USE OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY; OR TO WIRELESS INFRASTRUCTURE PROVIDERS WITH CONTRACTS WITH WIRELESS

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

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

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

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

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

B. CONTENT. AN APPLICATION MUST CONTAIN:

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

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

DWELLING UNIT AND ANY CONTRIBUTING HISTORICAL STRUCTURE WITHIN 500 FEET OF THE FACILITY. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED. THE ELECTRONIC VERSION OF AN APPLICATION MUST BE IN A STANDARD FORMAT THAT CAN BE EASILY UPLOADED ON A WEB PAGE FOR REVIEW BY THE PUBLIC WITHOUT REQUIRING SPECIALIZED SOFTWARE.

(3) AN APPLICATION FOR MODIFICATION OF AN ELIGIBLE SUPPORT STRUCTURE MUST CONTAIN INFORMATION SUFFICIENT TO SHOW THAT THE APPLICATION QUALIFIES UNDER OF 47 C.F.R. SECTION 1.40001. THE APPLICATION MUST RELATE TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT HAS BEEN APPROVED BY THE TOWN PURSUANT TO THIS ARTICLE. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED WITH DETAILED SPECIFICATIONS DEMONSTRATING THAT THE MODIFICATION DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE EXISTING APPROVED STRUCTURE.

(4) AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED IN THE FORMAT AND MANNER SPECIFIED BY THE TOWN MANAGER. APPLICATIONS MUST CONTAIN ALL INFORMATION REQUIRED BY THIS SECTION AND BY ANY WIRELESS REGULATIONS TO DEMONSTRATE THAT APPLICANT IS ENTITLED TO THE PERMIT REQUESTED.

(5) APPLICANT MUST PROVIDE ANY INFORMATION UPON WHICH IT RELIES IN SUPPORT OF A CLAIM THAT DENIAL OF THE APPLICATION WOULD PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF SERVICE IN VIOLATION OF FEDERAL LAW, OR OTHERWISE VIOLATE APPLICABLE LAW. APPLICANTS MAY NOT SUPPLEMENT THIS SHOWING IF DOING SO WOULD PREVENT TOWN FROM COMPLYING WITH ANY DEADLINE FOR ACTION ON AN APPLICATION.

(6) PROOF THAT NOTICE HAS BEEN MAILED TO OWNERS OF ALL PROPERTY, AND THE RESIDENT MANAGER FOR ANY MULTI-FAMILY DWELLING UNIT THAT INCLUDES TEN (10) OR MORE UNITS, WITHIN 300 FEET OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.

(7) A COPY OF ANY POLE OR STRUCTURE ATTACHMENT AGREEMENT MUST BE PROVIDED, AS WELL AS SUFFICIENT INFORMATION TO DETERMINE THAT THE INSTALLATION CAN BE SUPPORTED BY AND DOES NOT EXCEED THE TOLERANCES OF THE POLE OR STRUCTURE

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

(8) PAYMENT OF ANY REQUIRED FEES.

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

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

D. THE TOWN MAY ELECT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION AND HOLD A PUBLIC HEARING PRIOR TO THE APPROVAL OF AN APPLICATION. IF THE TOWN ELECTS TO HOLD A PUBLIC HEARING ON AN APPLICATION, THE APPLICANT SHALL BE REPRESENTED AT THE PUBLIC HEARING AND BE AVAILABLE TO ANSWER INQUIRIES ABOUT THE APPLICATION. THE TOWN MAY DENY THE APPLICATION IF THE APPLICANT DOES NOT APPEAR AT THE PUBLIC HEARING AFTER HAVING BEEN NOTIFIED.

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

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

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

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

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

**SECTION 71-5. TERMINATION OF PERMIT/BREACH.**

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

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

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

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

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

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

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

**SECTION 71-7. INSURANCE.**

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

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

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

I. PROPERTY INSURANCE FOR ITS PROPERTY'S REPLACEMENT COST AGAINST ALL RISKS;

II. WORKERS' COMPENSATION INSURANCE, AS REQUIRED BY LAW; AND

III. COMMERCIAL GENERAL LIABILITY INSURANCE WITH RESPECT TO ITS ACTIVITIES ON TOWN IMPROVEMENTS OR RIGHTS-OF-WAY TO AFFORD PROTECTION WITH LIMITS NOT INCONSISTENT WITH ITS REQUIREMENTS OF OTHER USERS OF TOWN IMPROVEMENTS OR RIGHTS-OF-WAY, INCLUDING COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE; AND

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

REQUIRED BY THE TOWN.

**SECTION 71-8. MAKE-READY WORK.**

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

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

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

A WIRELESS INFRASTRUCTURE PROVIDER SHALL BE REQUIRED TO PROMPTLY:

(1) REPAIR ANY DAMAGE TO THE PUBLIC RIGHT-OF-WAY OR ANY DAMAGES TO FACILITIES IN THE RIGHT-OF-WAY DIRECTLY CAUSED BY THE ACTIVITIES OF THE WIRELESS INFRASTRUCTURE PROVIDER AND RETURN THE RIGHT-OF-WAY TO THE RIGHT-OF-WAY'S CONDITION PRIOR TO THE DAMAGES CAUSED BY THE WIRELESS INFRASTRUCTURE PROVIDER.

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

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

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

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

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

**SECTION 71-10. FACILITIES NO LONGER NEEDED.**

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

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

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

D. UNTIL A WIRELESS TELECOMMUNICATIONS FACILITY THAT IS

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

**SECTION 71-11. SURETY BONDS.**

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

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

(1) PROVIDE FOR THE REMOVAL OF ABANDONED OR IMPROPERLY MAINTAINED SMALL WIRELESS FACILITIES, INCLUDING THOSE THAT THE TOWN REQUIRES TO BE REMOVED TO PROTECT PUBLIC HEALTH, SAFETY, OR WELFARE, AND RESTORE THE RIGHTS-OF-WAY; AND

(2) RECOUP RATES OR FEES THAT HAVE NOT BEEN PAID BY A WIRELESS INFRASTRUCTURE PROVIDER, SUBJECT TO THIRTY (30) DAYS PRIOR WRITTEN NOTICE TO THE WIRELESS INFRASTRUCTURE PROVIDER AND THE OPPORTUNITY TO PAY THE RATES OR FEES OUTSTANDING.

**SECTION 71-12. FEES.**

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

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

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

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

**SECTION 71-13. VIOLATIONS.**

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

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

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

ATTEST:

Jessica E. Barnes, Town Clerk

COUNCIL OF THE TOWN OF RIVERDALE PARK

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS indicate matter added to existing law.

# Town of Riverdale Park, Maryland

## Town Administration

TO: John N. Lestitian, Town Manager

FROM: Paul Smith, Director of Finance and Employee Services

DATE: August 23, 2019

RE: Town Vision and Commitment to Professional and Well-trained Employees

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**Action Requested:**
Staff request that the Mayor and Council adopt this core area vision statement at the Legislative Meeting on September 9th.

**Background:**
As previously discussed, the establishment of a vision and commitment to professional and well-trained employees is a significant step towards building a concise vision statement for the Town. Staff are continuing efforts to develop statements for other core areas as well.

*Attachments:*
*Resolution 2019-R-06*

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

Introduced by:

Date Introduced:

Date Adopted:

Date Effective:

FOR THE PURPOSE OF establishing the Town of Riverdale Park's vision and commitment for professional and well-trained employees.

WHEREAS, the Town strives to be the location of choice for residents, businesses, visitors, investors and employees; and

WHEREAS, the Town recognizes the need to attract and retain a highly qualified and diverse workforce, through a fair and equitable process, to provide the best possible service to residents, visitors, and businesses in Town; and

WHEREAS, Town employees are supported through a variety of employee services programs and initiatives to promote efficient and effective operations; and

WHEREAS, the Town provides a work environment with equal opportunity for learning and personal growth that encourages creativity and innovation; and

WHEREAS, the Mayor and Council allocate resources through the annual budget process to foster employee retention and the continuous professional growth of all employees; and

WHEREAS, the Mayor and Council are committed to operations, programs, initiatives, legislation and resources that aid in the continuous development of professional and well-trained employees;

NOW, THERFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Riverdale Park do hereby establish this vision and commitment for professional and well-trained employees on behalf of the Town.

**ATTEST:**

**COUNCIL OF THE TOWN OF RIVERDALE PARK:**

_____
Jessica Barnes, Town Clerk

_____
Alan Thompson, Mayor

# 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: August 23, 2019

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

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**Action Requested:** Staff seek an opportunity to review with the Mayor and Council a proposed Charter amendment. The amendment as drafted addresses "piggybacking" contracts from other government entities and purchasing cooperatives or alliances that bid procurements on a volume basis for state or local governments. The 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. A draft Charter amendment is attached for review and consideration.

*Attachments: Draft Charter Amendment – Article VI, Section 623*

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

This is to give notice the Riverdale Park Town Council has introduced and intends to take action on Charter Amendment Resolution No. 2019-CR-___.

Charter Amendment Resolution No. 2019-CR-___ would amend Section 623 of 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 relate to procurement requirements for purchases by the Town of Riverdale Park .

Charter Amendment Resolution No. 2019-CR-___ 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**

Publication Date: _____, 2019

COUNCIL OF THE TOWN OF RIVERDALE PARK

CHARTER AMENDMENT RESOLUTION NO. 2019-CR-___

Introduced By:

Date Introduced:

Date Adopted: _____, 2019

Date Effective: _____, 2019

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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
ARTICLE VI: Finance
Section 623

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Key:

CAPITAL LETTERS indicate matter added to existing law.

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**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, 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 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 ($50^{th}$) 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 ($40^{th}$) 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

**TOWN OF RIVERDALE PARK**
**NOTICE OF ADOPTION OF**
**CHARTER AMENDMENT RESOLUTION NO. 2019-CR-__**
**PROCUREMENT AND PIGGYBACKING**

This is to give notice that on _____, 2019, the Riverdale Park Town Council adopted Charter Amendment Resolution No. 2019-CR-___ ("the Resolution"). The title to the Resolution is as follows:

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
ARTICLE VI: Finance
Section 623

Charter Amendment Resolution No. 2019-CR-___ 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. The amendment to the Charter will become effective on _____, 2019, subject to the provisions of the Local Government Article of the Annotated Code of Maryland regarding the right of the qualified voters of the Town to petition the proposed amendment to referendum.

**RIVERDALE PARK TOWN COUNCIL**

**By: JESSICA BARNES, TOWN CLERK**

Publication Dates: _____, _____, _____, and _____, 2019

# Town of Riverdale Park, Maryland

## Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: August 23, 2019

RE: Code Review and Recommendation – Chapter 17 Camping

**Action Requested:** Staff seek direction from the Mayor and Council to prepare amendments to or repeal of Chapter 17 Camping, for introduction at the September 9th Legislative Meeting.

**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:** 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.

As with all code chapters, understanding the purpose, intent, and perceived need for regulation is foundational. Staff have reviewed possible scenarios for the application of this ordinance. Staff have concluded that if an issue involving prolonged camping did occur, there are other tools to address safety and neighborhood concerns.

**Recommendation:** Staff recommend that the ordinance as written be repealed or in the absence of a full repeal, the ordinance be amended to clarify the purpose, prohibitions, and add an appeal process.

# Town of Riverdale Park, Maryland

## Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: August 23, 2019

RE: Code Review and Recommendation – Chapter 22 Clubs

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**Action Requested:** Staff seek direction from the Mayor and Council to prepare the necessary ordinance to repeal Chapter 22 Clubs; the introduction of which will be scheduled for the September 9th 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.

**Recommendation:** Staff recommend that Chapter 22 Clubs be repealed in full.

# Town of Riverdale Park
# Special Legislative Meeting Minutes
# July 24, 2019

**In Attendance**
Alan K. Thompson, Mayor
CM Marsha Dixon, Ward 1
CM Aaron Faulx, Ward 2
CM David Lingua, Ward 3
CM Hala Mayers, Ward 6

John N. Lestitian, Town Manager
Jessica Barnes, Town Clerk
Ivy Lewis, Public Projects and Services Director
David Morris, Chief of Police

**Call to Order**
Mayor Thompson called the Special Legislative meeting to order at 7:02 p.m.

**Approval of the Agenda**
CM Faulx made a motion to approve the Special Legislative Meeting agenda for July 24, 2019. The motion was seconded by CM Lingua. Vote: 4-0-1 (favorable, Mayor Thompson abstained)

**Public Comments**
There were no public comments.

**Legislative Action Items**

1. Motion to authorize Town Manager to enter into a contract for Backup Generators for Municipal Center Project (CIP 18GG01)

   CM Faulx made a motion to authorize the Town Manager to enter into a contract with Curtis Engine for an amount of $153,000 for Backup Generators for Municipal Center Project (CIP 18GG01). The motion was seconded by CM Dixon. Vote: 4-0-1 (favorable)

   *Discussion:*
   Public Projects and Services Director Ivy Lewis reported that eight vendors had attended the pre-proposal meeting and three vendors submitted proposals. Director Lewis provided an overview of the three proposals that were submitted. Director Lewis also gave a timeline for contract execution and project completion.

   Town Manager Lestitian gave an overview of the funding source for the project.

**New Business**
Mayor Thompson stated that he would like to submit a Legislative Action Request to the Maryland Municipal League regarding automated enforcement of stop signs.

**Unfinished Business**
There was no unfinished business.

**Adjournment**
CM Faulx made a motion to adjourn the Special Legislative Meeting at 7:19 p.m. The motion was seconded by CM Dixon. Vote: 4-0-1 (favorable, Mayor Thompson abstained)