

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

Tuesday, January 22, 2019 – 7:00 p.m.

AGENDA

Work Sessions are open to public observation, however,
public participation is at the discretion of the Board

Roll Call

Pledge of Allegiance

Commissioner & Staff Reports

- Commissioner Leonard
- Commissioner Pennoyer
- President Turner
- Clerk's Office

Business

- Emergency Ordinance 2019-01: Amending Ord 2017-04 to Add Small Cell Standards (Board vote)
- Ordinance 2018-10: Special Events (draft #4 discussion)
 - Special Event application
- Committee Resolutions (draft / discussion)
 - CERT (draft #2)
 - Events Committee (draft #1)
- Public Information Request Form (draft #1 discussion)
 - fee schedule/policy
- Dumpster Permit / 14703 Main Street (for Board approval)
- Resolution 2019-01: Food Trucks (draft #1 discussion)
- FY18 Detailed Budget Year-End Adjustments Amendment (Board vote)
- General/Administration issues

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

Wanda Leonard
Commissioner

Tonga Y. Turner
Commissioner/ President

Linda Pennoyer
Commissioner/ Treasurer

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

EMERGENCY ORDINANCE: 2019-01

SESSION: Special/Regular Town Meeting

INTRODUCED: January 22, 2019

AN EMERGENCY ORDINANCE OF THE TOWN OF UPPER MARLBORO AMENDING ORDINANCE 2017-04 (STREET CONSTRUCTION AND UTILITY CUTS) TO REGULATE SMALL CELL OR RELATED COMMUNICATIONS TECHNOLOGY PLACED IN THE MUNICIPAL RIGHTS-OF-WAY AND GENERALLY RELATING TO THE REGULATION AND CONTROL OF TOWN STREETS AND SIDEWALKS.

WHEREAS, under Section 82-63 of its Charter the Town of Upper Marlboro (the “Town”) has control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission or the County governing body for Prince George’s County, and subject to the laws of the State of Maryland and the Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, because of technological advances and increased consumer demand for wireless broadband service, wireless telecommunications carriers are seeking to install small, short range antennas to provide customers with faster and more reliable cell service; and

WHEREAS, wireless carriers and the companies that provide infrastructure to support the wireless carriers are increasingly seeking to install antennas or small cellular base stations in public rights-of-way; and

WHEREAS, while the Prince George’s County Zoning Code may regulate the installation of telecommunications antennas and support structures on private property in Upper Marlboro, the Town has the authority to regulate such installations in Town rights-of-way; and

WHEREAS, federal law and newly promulgated rules significantly restricts local government authority to regulate the installation of telecommunications facilities and requires any desired municipal regulations to be in place prior to application; and

WHEREAS, the Town Board of Commissioners desires to protect the public health, safety, and welfare from the adverse effects of the proliferation of telecommunications facilities to the maximum extent permissible under federal law.

<u>CAPITALS</u>	:	Indicate matter to be added to existing law
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NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN, RATIFY, CHANGE AND ENACT AN AMENDMENT TO ORDINANCE 2017-04 SUCH THAT SAID ORDINANCE AND THE SPECIFIC PROVISIONS THEREOF WRITTEN BELOW SHALL HEREBY READ AS FOLLOWS:

STREET CONSTRUCTION AND UTILITY CUTS OR INSTALLATIONS ORDINANCE
[2017-04]

SECTION 1: STREET CONSTRUCTION AND UTILITY CUTS OR INSTALLATIONS

SECTION 2: ADOPTION OF COUNTY LAW

SECTION 3: REGULATORY SCOPE

SECTION 4: DEFINITIONS [OF UTILITY]

SECTION 5: INSTALLATION, RESTORATION AND PATCHING STANDARDS

SECTION 6: WSSC'S EXEMPTION

SECTION 7: COMPLETION AND ACCEPTANCE OF IMPROVEMENTS OR REPAIRS

SECTION 8: PERMIT REQUIRED, FEES, APPLICATION FORMS, AND RECORDS

SECTION 9: AUTHORITY TO HIRE TOWN ENGINEER TO SUPERVISE OR INSPECT STREET IMPROVEMENTS AND INSTALLATIONS

SECTION 10: ENGINEERING FEE

SECTION 11: SUNDAY AND HOLIDAY WORK

SECTION 12: RESPONSIBILITY FOR DAMAGES; INSTALLATION REMOVALS

SECTION 13: COMPLIANCE WITH SAFETY REQUIREMENTS

SECTION 14: CONFLICT OF LAWS AND WAIVERS

SECTION 15: COMPLIANCE WITH SAFETY REQUIREMENTS

SECTION 16: PENALTIES FOR VIOLATION

SECTION 17: ADMINISTRATIVE AND JUDICIAL REVIEW

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SECTION 1. STREET CONSTRUCTION AND UTILITY CUTS OR INSTALLATIONS

It shall be unlawful for any person or persons, firm or corporation to INSTALL ANY POLE, STRUCTURE, OR EQUIPMENT IN THE RIGHT-OF-WAY OR dig up, cut, excavate, break, destroy or in any way injure any sidewalk, curb, gutter, driveway, street or roadway within the Town of Upper Marlboro and under its jurisdiction without first obtaining a permit so to do from the Board of Commissioners.

SECTION 2. ADOPTION OF COUNTY LAW

The Board of Commissioners of the Town of Upper Marlboro hereby adopts by reference herein the ordinance, as amended from time to time, entitled “the Road Ordinance of Prince George's County, Maryland” codified in Subtitle 23 of the Prince George’s County Code, and further adopts herein, the minimum standards for street construction and repairs applicable to utility companies installing or maintaining utility facilities or improvements in the public ways as found in a document known as the “Prince George’s County Policy and Specification for Utility Installation and Maintenance,” as amended, sometimes further referenced herein as the “County Specifications Manual,” attached hereto and incorporated by reference herein as Appendix A and made available for inspection at the Town Hall, as well as the Prince George’s County Specifications and Standards for Roadways and Bridges, and the Md. SHA Standard Specifications for Construction and Materials. Any references to officials or agents of the County Government found in County law adopted herein shall be construed to apply to the applicable officials or agents of the Town Government.

SECTION 3. REGULATORY SCOPE

Except as otherwise stated in this Ordinance, from and after the effective date of this ordinance, no person, or entity including but not limited to a private or public utility company, or contractor shall grade, install, cut, construct, or re-construct any surface material, subsurface material, paving, drainage structure, curb, gutter, sidewalk, driveway entrance, retaining wall, step, EQUIPMENT, CABLE, POLE, TOWER or any other structure within the right-of-way of any public street, road, highway, avenue, lane, alley, or public way under the jurisdiction of the Town unless said person or entity shall first obtain a permit from the President of the Board of Commissioners or his designee, and complies with all applicable provisions of this Ordinance and referenced law.

SECTION 4. ~~DEFINITION OF UTILITY~~ DEFINITIONS

“ANTENNA” MEANS THAT PART OF A WIRELESS TELECOMMUNICATIONS FACILITY DESIGNED TO RADIATE OR RECEIVE RF SIGNALS OR ELECTROMAGNETIC WAVES FOR THE PROVISION OF SERVICES, INCLUDING, BUT NOT LIMITED TO, CELLULAR, PAGING, PERSONAL COMMUNICATIONS SERVICES AND MICROWAVE COMMUNICATIONS.

“COLLOCATION” MEANS THE SAME AS DEFINED BY THE FCC IN 47 C.F.R. SECTION 1.40001(B)(2), AS MAY BE AMENDED, WHICH DEFINES THAT TERM AS THE MOUNTING

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OR INSTALLATION OF TRANSMISSION EQUIPMENT ON AN ELIGIBLE POLE FOR THE PURPOSE OF TRANSMITTING OR RECEIVING RF SIGNALS FOR COMMUNICATIONS PURPOSES. AS AN ILLUSTRATION AND NOT A LIMITATION, THE FCC’S DEFINITION EFFECTIVELY MEANS “TO ADD” AND DOES NOT NECESSARILY REFER TO MORE THAN ONE WIRELESS TELECOMMUNICATION FACILITY INSTALLED AT A SINGLE SITE.

“COMMUNICATIONS FACILITY” MEANS, COLLECTIVELY, THE EQUIPMENT AT A FIXED LOCATION OR LOCATIONS WITHIN A TOWN RIGHT-OF-WAY THAT ENABLES COMMUNICATIONS SERVICES, INCLUDING: (I) RADIO TRANSCEIVERS, ANTENNAS, COAXIAL, FIBER-OPTIC OR OTHER CABLING, POWER SUPPLY, BACKUP BATTERY, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION; AND (II) ALL OTHER EQUIPMENT ASSOCIATED WITH ANY OF THE FOREGOING. A COMMUNICATIONS FACILITY DOES NOT INCLUDE THE POLE, TOWER OR SUPPORT STRUCTURE TO WHICH THE EQUIPMENT IS ATTACHED.

“COMMUNICATIONS SUPPORT STRUCTURE” MEANS A POLE LOCATED IN THE CITY RIGHT-OF-WAY OR PROPOSED TO REPLACE AN EXISTING POLE IN THE RIGHT-OF-WAY TO WHICH COMMUNICATIONS FACILITIES, SUCH AS SMALL CELLS OR OTHER COMMUNICATIONS FACILITIES, ARE ATTACHED OR PROPOSED OR INTENDED TO BE ATTACHED.

“FCC” MEANS THE FEDERAL COMMUNICATIONS COMMISSION.

“INVESTOR-OWNED UTILITY POLE” MEANS A UTILITY POLE THAT IS NOT OWNED BY THE TOWN.

“PERMITTEE” MEANS THE PERSON THAT RECEIVES A PERMIT TO WORK IN OR INSTALL FACILITIES, EQUIPMENT OR STRUCTURES IN THE RIGHT OF WAY UNDER THIS ORDINANCE AND THE PERSON THAT OWNS FACILITIES, EQUIPMENT OR STRUCTURES PERMITTED TO BE INSTALLED UNDER THIS ORDINANCE, INCLUDING THE PERMITTEE’S OFFICIALS, EMPLOYEES, AGENTS, AND CONTRACTORS.

“POLE” MEANS A SINGLE SHAFT OF WOOD, STEEL, CONCRETE, OR OTHER MATERIAL TYPICALLY AT LEAST 26 FEET TALL AND CAPABLE OF SUPPORTING THE EQUIPMENT MOUNTED THEREON IN A SAFE AND ADEQUATE MANNER, INCLUDING AN INVESTOR-OWNED UTILITY POLE.

“RF” MEANS RADIO FREQUENCY OR ELECTROMAGNETIC WAVES BETWEEN 30 KHZ AND 300 GHZ IN THE ELECTROMAGNETIC SPECTRUM RANGE.

“SUBSTANTIAL CHANGE” MEANS THE SAME AS DEFINED BY THE FCC IN 47 C.F.R. § 1.40001(B)(7), AS MAY BE AMENDED, AND AS APPLICABLE TO FACILITIES IN THE

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PUBLIC RIGHT-OF-WAY, WHICH DEFINES THAT TERM AS A COLLOCATION OR MODIFICATION THAT:

(A.) INCREASES THE OVERALL HEIGHT MORE THAN 10% OR 10 FEET (WHICHEVER IS GREATER);

(B.) INCREASES THE WIDTH MORE THAN 6 FEET FROM THE EDGE OF THE COMMUNICATIONS STRUCTURE;

(C.) INVOLVES THE PLACEMENT OF ANY NEW ENCLOSURES ON THE GROUND WHEN THERE ARE NO EXISTING GROUND-MOUNTED ENCLOSURES;

(D.) INVOLVES THE PLACEMENT OF ANY NEW GROUND-MOUNTED ENCLOSURES THAT ARE TEN PERCENT (10%) LARGER IN HEIGHT OR VOLUME THAN ANY EXISTING GROUND-MOUNTED ENCLOSURES;

(E.) INVOLVES EXCAVATION OR DEPLOYMENT OF EQUIPMENT OUTSIDE THE AREA IN PROXIMITY TO THE INSTALLATION AND OTHER WIRELESS COMMUNICATIONS EQUIPMENT ALREADY DEPLOYED ON THE GROUND;

(F.) WOULD DEFEAT THE EXISTING CONCEALMENT ELEMENTS OF THE COMMUNICATIONS SUPPORT STRUCTURE AS DETERMINED BY ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD OR THE PRESIDENT OR HER DESIGNEE; OR

(G.) VIOLATES A PRIOR CONDITION OF APPROVAL OF A PERMIT FOR THE SITE.

~~[A utility is defined as]~~ “UTILITY” MEANS an organization franchised by the county, municipal or state government or otherwise authorized by law to install, operate and maintain facilities in public rights-of-way for the purpose of distribution of fuel or energy, for communication, or the distribution of a public water supply and collection and conveyance of sanitary sewage or storm water.

SECTION 5. INSTALLATION, RESTORATION AND PATCHING STANDARDS

(A.) The technical standards for acceptable temporary and permanent utility patching in flexible asphalt pavement for the Town shall be the same as those found in Standards 300.18 and 300.19, along with the mill and overlay requirements for roadways under the 5-year moratorium period, Attachment 6, as published in the County Specifications Manual.

(B.) COMMUNICATIONS STRUCTURES OR FACILITIES. A PERMIT SHALL NOT BE ISSUED FOR A PROPOSED STRUCTURE OR FACILITY WHEN THE LOCATION SELECTED IN THE APPLICATION IS IN AN AREA WHERE THERE IS AN OVERCONCENTRATION OF STRUCTURES OR FACILITIES IN, ON OR OVER THE RIGHT-OF-WAY, AS DETERMINED

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BY THE PRESIDENT OR HER DESIGNEE OR IN THE PRESIDENT'S OR HER DESIGNEE'S REASONABLE DISCRETION AND JUDGMENT. ANY POLE, EQUIPMENT BOX, OR OTHER STRUCTURE INSTALLED IN A TOWN RIGHT-OF-WAY MUST:

1. COMPLY WITH ALL STRUCTURAL AND SAFETY STANDARDS SPECIFIED IN THIS ORDINANCE AND BY THE PRESIDENT IN THE PERMIT CONDITIONS OR ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD BY RESOLUTION;

2. NOT OBSTRUCT PEDESTRIAN OR VEHICULAR TRAFFIC FLOW OR SIGHT LINES;

3. COMPLY WITH THE AMERICANS WITH DISABILITIES ACT;

4. IF A POLE, BE AT LEAST 26 FEET IN HEIGHT OR COMPARABLE HEIGHT WITH EXISTING UTILITY POLES, BUT NOT EXCEED 50 FEET ABOVE GROUND LEVEL;

5. IF A REPLACEMENT OF AN EXISTING POLE, NOT EXCEED THE HEIGHT OF THE EXISTING POLE BY MORE THAN 10 FEET;

6. IF AN EQUIPMENT BOX (GROUND MOUNTED), NOT EXCEED A SIZE OF 28 CUBIC FEET AND, IF LOCATED IN THE FLOODPLAIN, SHALL BE ELEVATED ON PLATFORMS, AND SUBJECT TO OTHER PLACEMENT REQUIREMENTS ESTABLISHED BY THE PRESIDENT IN THE PERMIT CONDITIONS OR ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD BY RESOLUTION;

7. NOT OBSTRUCT PARKING, INCLUDING PREVENTING PERSONS FROM ENTERING AND EXITING VEHICLES PARKED IN THE RIGHT-OF-WAY AND IN SUCH MANNER THAT WILL NOT INTERFERE WITH THE USE OF OTHER PROPERTY;

8. HAVE A COLOR AND FINISH DETERMINED IN CONSULTATION WITH THE PRESIDENT OR HER DESIGNEE OR ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD BY RESOLUTION TO MINIMIZE VISUAL IMPACT TO THE NEIGHBORHOOD, TAKING INTO CONSIDERATION ANY HISTORIC AREA DESIGNATIONS; AND

9. COMPLY WITH SUCH OTHER REQUIREMENTS AND CONDITIONS AS THE PRESIDENT MAY DETERMINE ARE APPROPRIATE. IN THE EVENT THAT STRICT COMPLIANCE WITH ANY PROVISION OF THIS ORDINANCE OR ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD, AS APPLIED TO A SPECIFIC PROPOSED COMMUNICATIONS FACILITY OR STRUCTURE, WOULD EFFECTIVELY PROHIBIT THE PROVISION OF SERVICES, THE PRESIDENT MAY GRANT A LIMITED, ONE-TIME EXEMPTION FROM STRICT COMPLIANCE. COMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES, WIRES, CABLES, FIXTURES, AND OTHER EQUIPMENT SHALL BE INSTALLED AND MAINTAINED IN SUBSTANTIAL COMPLIANCE WITH THE

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REQUIREMENTS OF THE NATIONAL ELECTRIC CODE, AND ALL FCC, STATE, AND LOCAL REGULATIONS.

(C.) ANTENNAE AND OTHER ATTACHMENTS. NO PERSON SHALL INSTALL ANY ATTACHMENT TO A POLE OR OTHER STRUCTURE IN THE TOWN RIGHT-OF-WAY WITHOUT FIRST OBTAINING A PERMIT FROM THE TOWN. ALL ATTACHMENTS TO STRUCTURES IN THE TOWN RIGHT-OF-WAY MUST:

1. FOR EACH POLE, HAVE AN EQUIPMENT BOX (POLE MOUNTED) OR BOXES NO GREATER IN COLLECTIVE SIZE THAN SIX (6) CUBIC FEET IN VOLUME OR THE VOLUME ESTABLISHED BY THE PRESIDENT OR DESIGNEE OR ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD BY RESOLUTION;

2. HAVE A COLOR AND FINISH DETERMINED IN CONSULTATION WITH THE PRESIDENT OR HER DESIGNEE TO MINIMIZE VISUAL IMPACT TO THE NEIGHBORHOOD, TAKING INTO CONSIDERATION HISTORIC AREA DESIGNATIONS;

3. IF AN ANTENNA, BE ATTACHED TO AN EXISTING POLE OR REPLACEMENT POLE AND BE DEMONSTRATED TO BE THE LEAST VISIBLE ANTENNA POSSIBLE TO ACCOMPLISH THE COVERAGE OBJECTIVES AND BE SCREENED, SHROUDED, OR CONCEALED, OR TREATED TO MINIMIZE VISUAL AND ACOUSTIC IMPACT, AS DETERMINED IN CONSULTATION WITH THE PRESIDENT OR HER DESIGNEE, TAKING INTO CONSIDERATION ANY HISTORIC AREA DESIGNATIONS OR ANY BOARD PROMULGATED GUIDELINES. ANTENNA ELEMENTS SHALL BE FLUSH MOUNTED, TO THE EXTENT REASONABLY FEASIBLE. ALL ANTENNA MOUNTS SHALL BE DESIGNED SO AS NOT TO PRECLUDE POSSIBLE FUTURE COLLOCATION BY THE SAME OR OTHER OPERATORS OR CARRIERS. ANTENNAS SHALL BE SITUATED SO AS TO REDUCE VISUAL AND ACOUSTIC IMPACT WITHOUT COMPROMISING THEIR FUNCTION.

4. COMPLY WITH SUCH OTHER REQUIREMENTS AND CONDITIONS AS THE PRESIDENT OR HER DESIGNEE MAY DETERMINE ARE NECESSARY AND APPROPRIATE. ALL WIRES, CABLES, FIXTURES, AND OTHER EQUIPMENT SHALL BE INSTALLED AND MAINTAINED IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL ELECTRIC CODE, AND ALL FCC, STATE, AND LOCAL REGULATIONS.

SECTION 6. WSSC'S EXEMPTION

Pursuant to Section 27-101 et seq. of the Md. Public Utilities Article of the State Code, the Washington Suburban Sanitary Commission ("WSSC"), as a state agency, is generally considered exempt from this Ordinance; however, WSSC is required by State statute to provide advance notice of its projects and to repair and leave the public roadway in the same or a superior condition to that existing before the

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public roadway was disturbed and furthermore to pay all costs for returning the public roadway to the same or superior condition.

SECTION 7. COMPLETION AND ACCEPTANCE OF IMPROVEMENTS OR REPAIRS

WORK PERMITTED IN A APPROVED PERMIT SHALL BE COMPLETED WITHIN 120 DAYS OR THE PERMIT LAPSES. Upon completion, any construction, INSTALLATIONS, improvements, repairs or other activity as certified by the Town as being in full compliance with this Ordinance and the County Specifications Manual, AS APPLICABLE, and notification thereof to the Town, the road, sidewalk, or whatever work was performed in the right-of-way shall be deemed to be accepted for maintenance by the Town from and after the acceptance date, EXCEPT FOR PRIVATELY-OWNED EQUIPMENT OR OTHER PUBLIC ENTITY-OWNED INFRASTRUCTURE.

SECTION 8. PERMIT REQUIRED, FEES, APPLICATION FORMS, AND RECORDS

(A.) A permit as required by this Ordinance obtained from the [~~Town Clerk~~] PRESIDENT or his OR HER designee may be issued, AND the regulatory OR OTHER RELATED fees for which shall be established herein or amended by the Town Board of Commissioners by written resolution adopted from time to time. Any applicant obtaining a Town construction permit involving abutting real property, in addition to any permits required of this Section, shall receive a credit for any additional permits issued under this Ordinance.

(B.) Unless the Board establishes [~~such~~] UTILITY PERMIT OR OTHER RELATED fees or fee schedule by resolution, all applicable fees found in County law as incorporated herein shall be calculated pursuant to the applicable County provision or County Specifications Manual using the Town's version of the utility permit fee calculation sheet, which is a modified attachment of said County Specifications Manual. The various permit fees are initially established as follows:

(1.) Special Utility Permit Fee – This permit typically covers completely new utility pipeline or facility construction and includes an administrative and inspection fee, a moratorium fee, if applicable, and any required engineering fee as follows:

- (I) Administrative and Inspection Fee – A \$250.00 flat or lump sum fee, plus \$2.00 per linear feet of installed utility within the paved area, \$.50 per linear feet for underground work outside the improved roadway, or plus \$.20 per liner feet for aerial utility facility installations;
- (II) Moratorium or Impact Fee - \$10.00 per linear foot of roadway cut paid for disturbance of streets less than five years old since paving; and
- (III) Engineering Fees – a variable lump sum as described in Section 10.

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(2.) Maintenance Utility Permit Fee – This permit typically covers routine maintenance or repairs of existing facilities, which may be paid upon permit issuance or on a quarterly or other periodic basis in the form of an escrow account maintained by the Treasurer, and includes an application and processing fee, an administration and inspection fee, and any engineering fees as follows:

- (I) Application and Processing Fee - \$250.00;
- (II) Administrative and Inspection Fee - \$125 for small cuts (i.e., < 100 sq. Ft.), \$300 for large cuts including other fees as further described in Section 3.3.2 of the County Specifications Manual; and
- (III) Engineering Fees – A variable lump sum as described in Section 10.

(3.) Extension fee – The Special Utility Permit shall be issued for a standard duration of 90 calendar days. A \$100.00 fee shall be paid to extend the duration of a Special Utility Permit.

(C.) Any forms, applications, form letters, schedules, documents, worksheets, templates, or permit fee calculation sheets prepared or used by the County Government pursuant to County law, as incorporated by reference in this Section, may be modified for use by an applicant, subject to further modification and approval by the Town for conformity to this Section, when applying for any permits required by this Ordinance. THE PERMIT APPLICATION MAY INCLUDE AND REQUIRE ANY ADDITIONAL DATA AND DETAIL REQUIRED BY ANY UNIFORM GUIDELINES PROMULGATED BY THE BOARD BY RESOLUTION, OR AS REQUIRED BY THE PRESIDENT OR HER DESIGNEE.

(D.) The Town Code Enforcement Officer or his designee shall cause to be obtained and maintained photographs of the proposed and finished work areas in order to document the before and after condition of the [~~effected~~] AFFECTED municipal property. These photographs shall be maintained by the Town Records Custodian with the permit file pursuant to the Town's approved Records Retention Schedule.

(E.) AN APPLICANT MAY BE REQUIRED TO OBTAIN MULTIPLE PERMITS (E.G., A SPECIAL OR MAINTENANCE UTILITY PERMIT TO DIG IN THE RIGHT OF WAY AND A COMMUNICATIONS FACILITIES OR COMMUNICATIONS SUPPORT STRUCTURES PERMIT TO INSTALL AND OPERATE A SMALL CELL) ISSUED UNDER THIS ORDINANCE DEPENDING ON THE SCOPE OF THE INSTALLATION OR DISTURBANCE TO THE RIGHT OF WAY.

(F.) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, PERMIT APPLICATIONS INCLUDING COMMUNICATIONS FACILITIES OR COMMUNICATIONS SUPPORT STRUCTURES SHALL BE REVIEWED AND A DECISION RENDERED

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ACCORDING TO THE FOLLOWING TIME PERIODS, OR “SHOT CLOCKS” AS REQUIRED BY FEDERAL LAW:

1. MINOR CHANGE APPLICATIONS (I.E., COLLOCATE SMALL CELL INFRASTRUCTURE ON AN EXISTING POLE) SHALL BE REVIEWED AND RENDERED WITHIN 60 DAYS OF THE DATE OF FILING.
2. SUBSTANTIAL CHANGE APPLICATIONS (I.E., PLACE SMALL CELL INFRASTRUCTURE ON A NEWLY INSTALLED POLE) SHALL BE REVIEWED AND RENDERED WITHIN 90 DAYS OF THE DATE OF FILING.

(G.) FEES CHARGED FOR PERMIT APPLICATIONS FOR COMMUNICATIONS FACILITIES OR COMMUNICATIONS SUPPORT STRUCTURES SHALL BE AS FOLLOWS:

- (1.) AN INITIAL NON-RECURRING FEE OF \$500 FOR A SINGLE UP-FRONT APPLICATION THAT INCLUDES UP TO FIVE (5) COMMUNICATIONS FACILITIES (E.G., COLLOCATED SMALL CELLS), WITH AN ADDITIONAL \$100 FOR EACH COMMUNICATIONS FACILITY ADDED BEYOND FIVE (5), AND
- (2.) A NON-RECURRING FEE OF \$1,000 FOR A NEW OR EXTENDED COMMUNICATIONS SUPPORT STRUCTURE OR POLE (I.E., NOT A COLLOCATION) INTENDED TO SUPPORT ONE OR MORE COMMUNICATIONS FACILITY; AND
- (3.) A RECURRING ANNUAL FEE OF \$270 PER COMMUNICATIONS FACILITY (E.G., A COMMUNICATIONS SUPPORT FACILITY HAVING FIVE COLLOCATED (5) SMALL CELLS OR ANTENNAE IS A \$1,350 ANNUAL FEE) PER YEAR TO COVER PERMITTED ACCESS TO THE RIGHT OF WAY (“ROW”) OR ACCESS INCLUDING THE ATTACHMENT TO TOWN-OWNED STRUCTURES LOCATED IN THE R.O.W. A PERMITTEE WHO ALLOWS OR AGREES TO COLLOCATION ON OR WITHIN ITS COMMUNICATIONS SUPPORT FACILITY LOCATED IN THE TOWN R.O.W. BY ANOTHER PERSON, CONTRACTOR, OR LESSEE SHALL NOTIFY THE TOWN AND SAID OTHER PERSON OR ENTITY SHALL MAKE APPLICATION FOR A PERMIT UNDER THIS ORDINANCE.

SECTION 9. AUTHORITY TO HIRE TOWN ENGINEER TO SUPERVISE OR INSPECT STREET IMPROVEMENTS AND INSTALLATIONS

The President of the Board of Commissioners or his OR HER designee is authorized to employ the services of an engineer for purposes of supervising or inspecting any street improvements OR INSTALLATIONS described in this Ordinance, and may require as a condition of granting a permit under this Ordinance that all street improvements OR INSTALLATIONS be subject to the supervision or inspection of the Town's designated engineer.

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SECTION 10. ENGINEERING FEE

In making application for authorization to allow work within a Town right-of-way, and a permit as provided in this Ordinance, the applicant shall designate whether or not the work will be performed under the supervision of his or its own licensed engineer. If the applicant has the service of his or its own engineer, he shall, in addition, pay to the Town the sum of three percent (3%) of the total cost of such improvements to cover the actual expense of inspection of the improvements by the Town. If the applicant does not have the services of an engineer, he shall pay to the Town the sum of six percent (6%) of the total cost of such improvements to cover the expense of preparing plans and specifications and for supervision and inspection of the improvements by the Town. Any surplus or unused balance of this fee shall be refunded to the applicant once the project is certified and accepted by the Town. Should the Town incur additional costs for engineering services exceeding the amounts stated herein, the Treasurer may invoice the permittee after giving reasonable notice and an opportunity to alter the extent of its maintenance project or improvements, if practical. These fee requirements are in addition to the various permit fees established by this Ordinance and which altogether or in part may be waived or modified by the Town Board of Commissioners by written resolution, or motion recorded in the journal.

SECTION 11. SUNDAY AND HOLIDAY WORK

(A.) No work shall be permitted on Sunday, except in cases of emergency, and then only to such extent as it is absolutely necessary and with written permission of the President of the Board of Commissioners. The permit holder shall not be permitted to work on any days which are legal Town holidays as designated by the Board of Commissioners, unless granted permission by the President. If a permittee desires to work on any such legal holidays, permission shall be sought from the President in writing at least three (3) days in advance of such holiday. The request shall state the place where such work is to be conducted.

(B.) Work hours. No work shall be performed after 6:00 p.m. or before 7:00 a.m. without prior written approval by the President.

SECTION 12. RESPONSIBILITY FOR DAMAGES; INSTALLATION REMOVALS

(A.) The permit holder shall assume all responsibility for damages sustained to persons or property due to the carrying on of work, and shall be responsible for all accidents to persons and property, saving and holding the Town harmless from all damages resulting from any accidents which may occur to the construction operations. The permittee is responsible for the repairs of damages prior to release of any applicable bond. If the Town is made a party to any action because of the granting of a permit to the permit holder, the permit holder shall be required to pay all costs and fees incurred by the Town, including the legal fees of the Town Attorney or other legal counsel.

(B.) ANYTHING INSTALLED IN THE TOWN RIGHT-OF-WAY WITHOUT A PERMIT OR IN VIOLATION OF THE TERMS AND CONDITIONS OF A PERMIT OR OTHERWISE

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<u>Asterisks * * *</u>	:	Indicate that text is retained from existing law but omitted herein.

ABANDONED SHALL BE REMOVED UPON DEMAND BY THE TOWN, AND THE TOWN SHALL HAVE THE AUTHORITY TO REMOVE THE INSTALLATION OR STRUCTURE AND RESTORE THE RIGHT-OF-WAY AND CHARGE THE COST OF THE REMOVAL AND RESTORATION TO THE PERSON THAT CAUSED THE INSTALLATION OR DISTURBANCE.

(C.) IF APPLICABLE STATE, COUNTY OR FEDERAL STANDARDS AND REGULATIONS ARE AMENDED, THE OWNERS OF A COMMUNICATIONS FACILITY, OR COMMUNICATIONS SUPPORT STRUCTURE GOVERNED BY THIS ORDINANCE SHALL BRING ANY FACILITIES AND/OR STRUCTURES INTO COMPLIANCE WITH THE REVISED STANDARDS AND REGULATIONS WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THE STANDARDS AND REGULATIONS, UNLESS A DIFFERENT COMPLIANCE SCHEDULE IS MANDATED BY THE REGULATING AGENCY. FAILURE TO BRING FACILITIES AND/OR COMMUNICATIONS SUPPORT STRUCTURES INTO COMPLIANCE WITH ANY REVISED STANDARDS AND REGULATIONS SHALL CONSTITUTE GROUNDS FOR REMOVAL AT THE OWNER'S EXPENSE.

(D.) THE OPERATOR OR PERMITEE SHALL REMOVE AND RELOCATE THE PERMITTED IMPROVEMENTS, INFRASTRUCTURE, COMMUNICATIONS FACILITY AND/OR SUPPORT STRUCTURE AT THE OPERATOR'S SOLE EXPENSE TO ACCOMMODATE CONSTRUCTION OF A PUBLIC IMPROVEMENT PROJECT BY OR FOR THE TOWN.

SECTION 13. COMPLIANCE WITH SAFETY REQUIREMENTS

(A.) The person or entity to whom a permit is issued pursuant to this Ordinance and any agents, servants and subcontractors shall comply with all written requirements of the President of the Board of Commissioners directed to the permittee, either before or during the course of construction or work, which are deemed necessary in the interest of public safety or for the avoidance of unnecessary inconvenience to the public during such construction.

(B.) The permittee shall have the legal duty to provide for the following, whether or not included in the written requirements of the President:

- (1.) Proper lighting and barricading of excavations or other hazards at all times;
- (2.) Adequate access, including snow removal from the road to driveways and sidewalks abutting occupied residences;
- (3.) Control of dust conditions, as directed by the inspector;
- (4.) Correction of muddy or soft subgrade by placement of temporary gravel or stone thereon;
- (5.) Prompt removal of any dirt and debris from streets in and adjacent to the work area during the construction period, as directed by the inspector; and
- (6.) Other measures, as directed by the inspector or Chief of Police, to ensure the public safety.

(C.) ANY OPERATOR, OWNER OR PERMITEE WHO OWNS OR OPERATES COMMUNICATIONS FACILITIES OR COMMUNICATIONS SUPPORT STRUCTURES IN THE

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RIGHT OF WAY SHALL INDEMNIFY, PROTECT, DEFEND, AND HOLD THE TOWN AND ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, FEES TO INCLUDE REASONABLE ATTORNEY FEES AND COSTS OF DEFENSE, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY OR DEATH, PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, TO THE EXTENT THAT IT IS CAUSED BY THE NEGLIGENCE OF THE OPERATOR WHO OWNS OR OPERATES COMMUNICATIONS FACILITIES AND COMMUNICATIONS SUPPORT SERVICES IN THE RIGHT OF WAY, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, AFFILIATE, OR SUBCONTRACTOR OF THE OPERATOR, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES WHILE INSTALLING, REPAIRING, OR MAINTAINING FACILITIES IN THE RIGHT OF WAY.

SECTION 14. CONFLICT OF LAWS AND WAIVERS

Except as otherwise provided in this Ordinance, in any case where a provision of this Ordinance is found to be in conflict with a provision of any road construction, zoning, building, grading, housing, fire, safety, health or any other ordinance or code of this Town, Prince George's County, or the State of Maryland existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the public shall prevail. The Board of Commissioners may expressly grant waivers from the strict application of this ordinance.

SECTION 15. APPROVAL OF THE PLANNING COMMISSION, SANITARY COMMISSION OF PRINCE GEORGE'S COUNTY OR OTHER ENTITIES

If any design for anticipated work covered by the application for a permit required by this Ordinance requires further approval by the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission, "Miss Utility", the Maryland Department of the Environment, Prince George's County, or the Prince George's County Soil Conservation District, the applicant shall certify to the Town that the proposed application for work has been properly approved by said agencies or entities and that the work shall conform to all other applicable municipal, county, state and federal laws, rules, regulations and ordinances.

SECTION 16. PENALTIES FOR VIOLATION

(A.) Any person or entity making street improvements, INSTALLATIONS or repairs as described in this Ordinance without first obtaining the authorization and permit, in violation of the provisions of this Ordinance, which is declared to be a misdemeanor, shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than six (6) months, or both.

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(B.) The following violations of this Ordinance shall be considered municipal infractions:

- (1.) Knowingly submitting a false or incomplete permit application;
- (2.) Failure to respond to a corrective order issued by a Town official or inspector;
- (3.) Construction which does not comply with an approved plan, specification or permit;
- (4.) Working on work days or during work hours prohibited by this Ordinance;
- (5.) Working during the period of a stop work order; and
- (6.) All other violations of provisions of this Ordinance.

(C.) Except as stated in Subsection A of this Section, violations of this ordinance shall be considered a municipal infraction and are subject to the maximum fine for a municipal infraction permitted by the Town Charter. Each day a violation continues is deemed a separate offense and is subject to an additional citation and fine.

(D.) In addition to any other fine, penalty, or remedy, a violator may be required to remove or restore, within five (5) calendar days of the date of notification of the violation, any structure, alteration, addition or excavation, erected or commenced, and constituting the basis of the violation, and if so required, upon expiration of such five (5) days, each additional day during which that person shall not have so removed or restored the same, shall constitute a further and separate violation subject to such fine.

(E.) The Town also may correct or abate any such condition, or discrepancy at the violator's expense and, after obtaining a judgment from the court, certify any costs thereof to the County Finance Office to be collected in the same manner as taxes.

SECTION 17. ADMINISTRATIVE AND JUDICIAL REVIEW

(A.) A decision of the President of the Board of Commissioners or other official of the Town under this Ordinance may be appealed for error to the Town Board of Commissioners.

(B.) Except as stated herein, any person aggrieved by a decision of the Board of Commissioners with regard to an application for a permit filed under the provisions of this Ordinance and who appeared before the Board in person, by an attorney, or in writing, shall have the right to appeal the decision of the Board to the Circuit Court for Prince George's County, Maryland under the provisions of Title 7, Chapter 200 of the Maryland Rules of Procedure.

(C.) Denial of a refund of any fee paid to the Town as required by this Ordinance may be appealed pursuant to Title 13 of the Tax-General Article of the Annotated Code of Maryland to the Maryland Tax Court.

(D.) THE TOWN SHALL ADVISE THE APPLICANT IN WRITING OF ITS FINAL DECISION SUPPORTED BY SUBSTANTIAL EVIDENCE, FINDINGS AND CONCLUSIONS OF LAW.

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AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed amended, repealed and/or superseded by the provisions of this Ordinance, as applicable, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that due to the exigent circumstances and important governmental interests stated in the above recitals and herein and in order to further promote the health, safety and welfare of the Town and the general public, the Charter provision requiring that an ordinance may not be passed at the meeting at which it is introduced is hereby suspended by unanimous vote of the Board of Commissioners, and that this Emergency Ordinance shall become effective immediately following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2019.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Attest:

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

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**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

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ORDINANCE: 2018-10 DRAFT #4

SESSION: Regular Town Meeting

INTRODUCED: December 11, 2018

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO REGULATING
PARADES, SPECIAL EVENTS, AND OTHER USES OF PUBLIC PLACES**

WHEREAS, the Board of Town Commissioners enacted Ordinance 97-2 regulating parades, special events, and other uses of public places and providing the violation thereof, as amended; and

WHEREAS, the purpose of this Ordinance is to authorize the Town of Upper Marlboro to regulate parades, special events, and other uses of public places; authorizing the Clerk, or appointee, to receive applications; authorizing the Board of Town Commissioners to issue permits, providing standards for issuance thereof; establishing procedures for appeal upon rejection of applications; requiring compliance with permit conditions; establishing a standard application fee; and, prescribing penalties for the violation of its provisions.

Section 1.

BE IT ENACTED AND ORDAINED by the Board of Commissioners for the Town of Upper Marlboro, that Ordinance 97-2 is hereby repealed, and Ordinance 2018-09 be and hereby is, enacted and shall read as follows:

Section 2.

I. DEFINITIONS

(1) A "parade" is any parade, march, ceremony, show exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the Town of Upper Marlboro.

(2) A "special event" is any scheduled function not in the ordinary course of business taking place in the Town of Upper Marlboro that has a direct impact upon the streets, sidewalks, alleys, and footpaths or traffic, whether pedestrian or vehicular, within the Town of Upper Marlboro limits.

II. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade or special event, unless a parade or special event permit shall have been obtained from the Board of Town Commissioners.

(1) Exceptions.

This ordinance shall not apply to:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities,

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providing such conduct is under the immediate direction and supervision of the proper school authorities and does not have a direct impact on the streets, sidewalks, alleys, and foot paths or traffic within the Town limits.

(c) Town sponsored and organized events.

III. APPLICATION

A person seeking issuance of a parade or special event permit shall file an application with the Clerk on forms provided by the Town.

- (1) Filing Period. An application for a parade or special event permit shall be filed with the Clerk not less than thirty (30) days nor more than ninety (90) days before the date on which it is proposed to conduct the parade or special event.
- (2) Contents. The application for a parade or special event permit shall set forth the following information in the event application form or include:
 - (a) The name, address and telephone number of the person or organization seeking to conduct such parade or special event;
 - (b) If the parade or special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - (c) The name, address and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;
 - (d) The date when the parade or special event is to be conducted;
 - (e) The route to be traveled, the starting point and the termination point;
 - (f) The approximate number of persons who, and animals and vehicles which, will constitute such parade or special event; the type of animals, and description of the vehicles;
 - (g) The hours when such parade or special event will start and terminate;
 - (h) A statement as to whether the parade or special event will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (i) The location by streets of any assembly areas for such parade or special event;
 - (j) The time at which units of the parade or special event will begin to assemble at any such assembly area or areas;
 - (k) The interval of space to be maintained between units of such parade or special event;
 - (l) If the parade or special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Clerk of the Town, a communication in writing from the person proposing to hold the parade or special event, authorizing the applicant to apply for the permit on his behalf.
 - (m) The application shall include a signed hold harmless and indemnification agreement holding the Town harmless for any damage, harm or law suit arising from or out of the parade or special event and indemnifying the Town from costs of legal fees and/or damages signed by the person in charge of the sponsoring organization.
 - ~~(n) A certificate of liability insurance naming the Town of Upper Marlboro as an additional insured.~~
 - ~~(o) Should a State owned road, or roads, need to be closed for the event, applicant is~~

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required to provide the Town with a copy of their State Highway Administration (SHA) Street Closure Permit application, with the Town's Special Event Application, in order to be considered for approval by the Board of Town Commissioners.

- (p) Any additional information which the Board of Town Commissioners shall find reasonably necessary for a fair determination as to whether a permit should be issued.
- (3) Late Applications. The Board of Town Commissioners, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade or special event is proposed to be conducted.
- (4) Application Fee. There shall be paid at the time of filing the application for a parade or special event permit a fee of \$75.00 dollars.

IV. STANDARDS FOR ISSUANCE

The Board of Town Commissioners shall issue a permit as provided for hereunder, when, from a consideration of the application and from such other information of the application and from such other information as may otherwise be obtained it finds that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or special event will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto normal police protection to the Town;
- (3) The conduct of such parade or special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade or special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade or special event will not interfere with the movement of fire-fighting equipment en route to a fire;
- (6) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade or special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade or special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
- (9) It is the intent of the Board of Town Commissioners that generally one (1) lane of traffic on street will be available for travel during the parade or special event and that these parades or special events do not constitute an emergency for purposes of closing the streets, sidewalks, footpaths, and thoroughfares to all pedestrian and vehicular traffic.

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(10) It is the intent of the Board of Town Commissioners not to authorize more than three parades or special events per month.

(11) Organizations sponsoring any parade or special event shall agree to provide such traffic control and security as deemed necessary by the Board of Town Commissioners.

(12) No event shall be held, or arrangements made, until a Special Event Permit is received.

(13) Applicants may need to apply with the Health Department for food vending and prepared meals onsite except for pre-packaged, unopened foods.

(14) If alcohol is to be consumed at the Event, applicant is responsible for obtaining the required permit in accordance with the Prince George's County Board of License Commissioners – Liquor Board.

(15) Applicants granted a permit must coordinate all planning and logistics with the Events Coordinator for the Town of Upper Marlboro.

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V. NOTICE OF REJECTION

The Board of Town Commissioners shall act upon the application for a parade or special event permit within fifteen (15) days after the filing thereof. If the Board disapproves the application, it shall notify the applicant within five (5) days after the date upon which the application was filed, a notice of its action.

VI. APPEAL PROCEDURE

Any person aggrieved shall have the right to request a reconsideration of the denial of a parade or special event permit by the Board of Town Commissioners. The reconsideration shall be taken within thirty (30) days after notice. The Board of Town Commissioners shall act upon the reconsideration within fifteen (15) days after its receipt.

VII. ALTERNATIVE PERMIT

The Board of Town Commissioners, in denying an application for a parade or special event permit, shall be empowered to authorize the conduct of the parade or special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within ten (10) days after notice of the action of the Board, file a written notice of acceptance with the Board. An alternate parade or special event permit shall conform to the requirements of, and shall have the effect of a parade or special event permit under, this Ordinance.

VIII. NOTICE TO TOWN AND OTHER OFFICIALS

Immediately upon the issuance of a parade or special event permit, the Clerk shall send a copy thereof to the following:

- (1) President of the Board of Town Commissioners;
- (2) The Town of Upper Marlboro Chief of Police;
- (3) The Fire Chief;

IX. CONTENTS OF PERMIT

Each parade or special event permit shall state the following information:

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- (1) Date;
- (2) Starting time;
- (3) Minimum speed;
- (4) Maximum speed;
- (5) Maximum interval of space to be maintained between the units of the parade or special event;
- (6) The maximum length of the parade or special event in miles or fractions thereof;
- (7) Such other information as the Board of Town Commissioners shall find necessary to the enforcement of this Ordinance.

X. DUTIES OF PERMITTEE

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

- (1) Possession of Permit.

The parade or special event chairman or other person heading or leading such activity shall carry the parade or special event permit upon his person during the conduct of the parade or special event.

XI. PUBLIC CONDUCT DURING PARADE OR SPECIAL EVENT

- (1) Interference.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, or special event, or parade or special event assembly or with any person, vehicle or animal participating or used in the parade or special event.

- (2) Driving through Parade or Special Events.

No driver of a vehicle, shall drive between the vehicles or persons comprising a parade or special event when such vehicles or persons are in motion and are conspicuously designated as a parade or special event.

- (3) Parking on Parade or Special Event Route.

The Town of Upper Marlboro Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade or special event. The Chief of Police shall post signs to such effect, and shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

XII. REVOCATION OF PERMIT

The Board of Town Commissioners shall have the authority to revoke a parade or special event permit issued hereunder upon the application of the standards for issuance as herein set forth.

XIII. PENALTIES

Any person, business entity or corporation found in violation of this Ordinance shall be liable for a municipal infraction and upon conviction thereof, shall be assessed a fine in the amount of up to \$1,000.00 for violation of provisions in Section IV: Standards of Issuance.

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This Ordinance shall be effective twenty days after passage, on the _____ day of _____, 2019.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall repeal and supersede Ordinance 97-2, as amended on August 12, 1997.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2019.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Attest:

M. David Williams, Clerk

Tonga Turner, President

Reviewed and Approved for Legal Sufficiency

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Kevin J. Best, Esq.

Date: _____

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Proposed Ordinance Timeline:

Discussion:	November Board Work Session	11/27/2018
Introduction:	December Regular Town Meeting	12/11/2018
Public Comment & Board Discussion:	December Board Work Session	12/18/2018
Deferred Consideration:	January Regular Town Meeting	01/08/2019
Public Comment & Board Discussion:	January Board Work Session	01/22/2019
Final Reading & Passage:	February Regular Town Meeting	02/12/2019

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Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

APPLICATION FOR PARADE OR SPECIAL EVENT

Please read the Standards of Issuance (attached) before completing this application.

Filing period: Anyone seeking issuance of a permit must file an application with the Board of Commissioners not more than 90 days before, and not less than 30 days before, the date and time at which the proposed event is to occur.

FEE: A non-refundable application fee of \$75.00 shall be paid by the applicant to the Town at the time of filing the parade/special events application. Payment is made by either cash, check or credit card (Visa/MasterCard). **Applicant is subject to an additional fee for events with an approved liquor permit.*

APPLICANT

Name: _____

Mailing address: _____

Email Address: _____

Telephone Number: _____ Cell Number: _____

PRIMARY CONTACT

Primary Contact (if the Applicant is the primary contact, mark section "same as Applicant"). The primary contact shall be in charge of the conduct of the event; compliance with permit conditions and applicable law; informing participants of permit conditions; carrying the permit on his/her person during the event.

Name: _____

Email Address: _____

Telephone Number: _____ Cell Number: _____

Non-profit: Yes _____ No _____ If so, Tax ID# _____

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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EVENT INFORMATION

Date: _____ Rain Date: _____

Type of Event: Parade*: _____ Special Event: _____

Requesting approval of a liquor permit? ☐ Yes ☐ No

Applicant is responsible for obtaining required permit in accordance with Prince George's County Board of License Commissioners – Liquor Board.

* Parade Route must be provided with application (*a separate sheet, or map, may be used.*)
Applicant must apply for, and provide the Town with a copy of, a Street Closure Permit from the State Highway Administration (SHA), should the parade route utilize any State owned roads.

Activities to occur during the event: _____

Time and Location the event will start: _____

Time and Location the event will end: _____

Time setup will begin: _____

Time breakdown end: _____

Equipment:

List items to be placed on municipal property and their proposed location(s), whether such items are temporary or permanent in nature, and whether such items will affect pedestrian or vehicular traffic, or ingress or egress from building(s). (A separate sheet may be used if needed)

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Commissioner/ Treasurer

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List all recording equipment, sound amplification equipment, banners, signs, and other attention attracting devices which will be utilized during the event:

Total Number of Participants anticipated: _____

Total Number of Vehicles anticipated: _____

TOWN OF UPPER MARLBORO USE ONLY			
Department	Signature	Comments <i>Approve / Decline</i>	Date
Board of Commissioners			
Public Safety			
Public Works			

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STANDARDS OF ISSUANCE. The Board of Town Commissioners shall issue a permit as provided for hereunder, when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or special event will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town;
- (3) The conduct of such parade or special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town, other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade or special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of the parade or special event will not interfere with the movement of firefighting equipment en route to a fire;
- (6) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade or special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade or special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
- (9) It is the intent of the Board of Town Commissioners that generally one (1) lane of traffic on any street will be available for travel during the parade or special event and that these parades or special events do not constitute an emergency for purposes of closing the streets, sidewalks, footpaths, and thoroughfares to all pedestrian and vehicular traffic.

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- (10) It is the intent of the Board of Town Commissioners not to authorize more than three (3) parades or special events, per month.
- (11) Organizations sponsoring any parade or special event shall agree to provide such traffic control and security as deemed necessary by the Board of Town Commissioners.
- (12) No event shall be held or arrangements made for a Special Event until a permit is received.
- (13) Applicants may need to apply with the Health Department for food vending and prepared meals onsite except for pre-packaged foods.
- (14) Serving of alcohol must be approved by the Board of Commissioners and applicant is required to obtain a permit in accordance to the Prince George's County Board of License Commissioners – Liquor License.
- (15) Applicants granted a permit must coordinate all planning and logistics with the Director of Events and Recreation for the Town of Upper Marlboro.

Duties of Permittee: a Permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade or special event chairman or other person heading or leading such activity shall carry the parade or special event permit upon his person during the conduct of the parade or special event.

Revocation of Permit: The Board of Town Commissioners shall have the authority to revoke a permit issued hereunder upon violation of the standards for issuance.

Penalties: Any person or organization who violates the Ordinance shall be subject to a fine up to \$1,000.00.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Indemnity / Hold Harmless Agreement

To the fullest extent permitted by law, the undersigned Organization agrees to indemnify and hold The Town of Upper Marlboro, Maryland, its elected and appointed officials, employees, and volunteers and other working on behalf of The Town of Upper Marlboro, Maryland, harmless from and against all loss, cost, expense, damage, liability or claims, whether groundless or not, arising out of the bodily injury, sickness or disease (including death resulting at any time therefrom) which may be sustained or claimed by any person or persons, or the damage or destruction of any property, including the loss of use thereof, based on any act or omission, negligent or otherwise, of the Organization, or anyone acting on its behalf in connection with or incident to the (Organization and Event) _____

_____ scheduled for: (date) _____, except that the Organization shall not be responsible to The Town of Upper Marlboro, Maryland's sole negligence; and the Organization shall, at its own cost and expense, defend any such claims and any suit, action, or proceeding which may be commenced thereunder, and the Organization shall pay any and all judgments which may be recovered in any suit, action or proceed, and any and all expense including, but not limited to, costs, attorney's fees and settlement expenses, which may be incurred therein.

Name of Organization _____

Authorized Signature _____

Address _____

Phone _____ Date _____

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



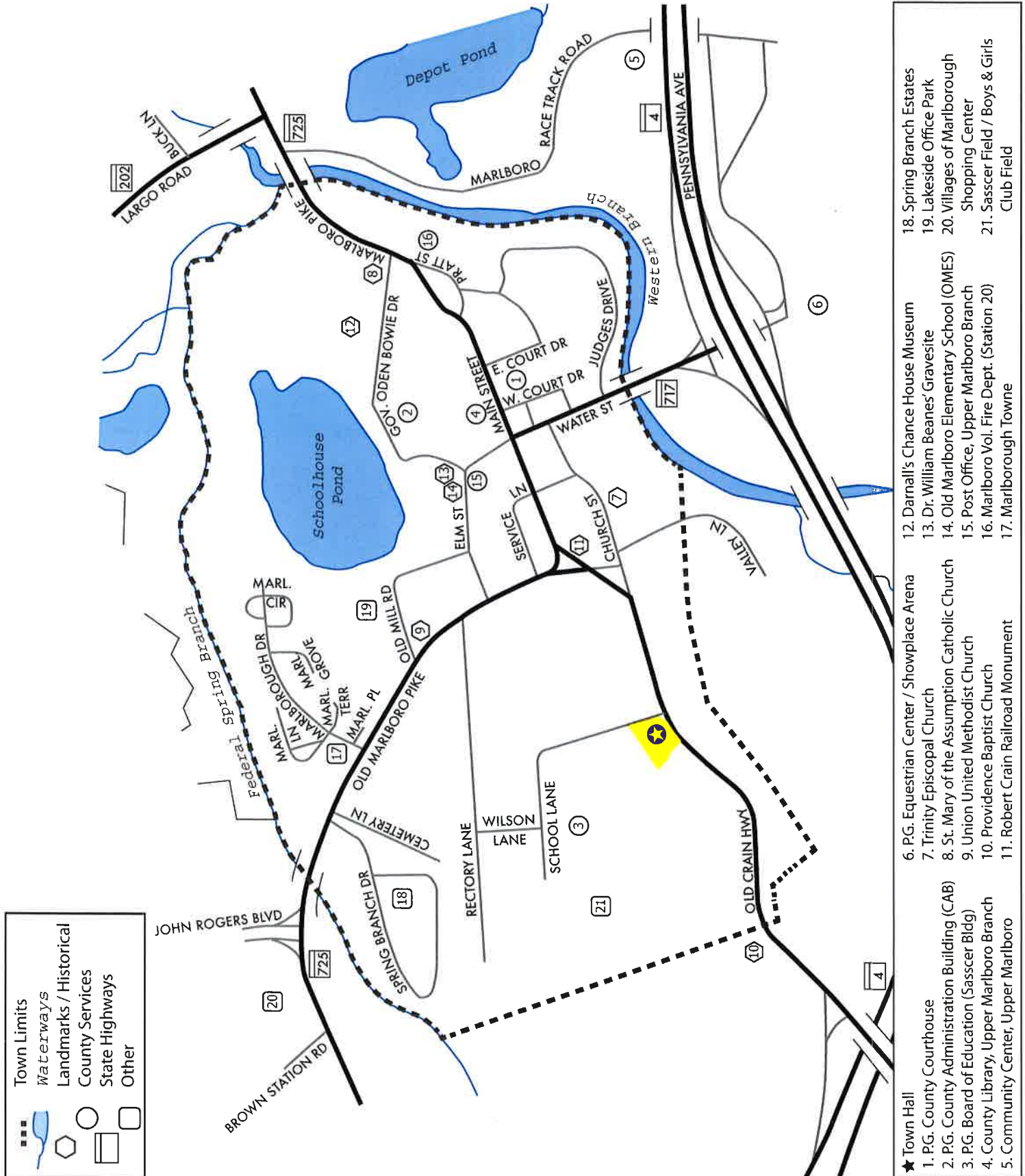
Town of Upper Marlboro

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www.uppermarlbormd.gov

Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280



SPECIAL EVENTS ON MARYLAND STATE ROADWAYS

Permit Process and Instructions

I. INTRODUCTION

The Maryland State Highway Administration (SHA) recognizes the need to use the state transportation system for special events because of its accessibility, proximity to popular destinations and its ease of use. A positive and safe event experience is important for event participants as well as others who may be affected by the event, including property owners, businesses, places of worship, spectators, and road users. SHA has a responsibility to provide a safe and efficient transportation system for all users. To that purpose, any event affecting State roads must be approved and permitted by the SHA.

A. What is a special event?

A special event is any activity that may effect the safe and normal movement of vehicular and pedestrian traffic along the State Highway system, or which may require the assistance of local, county or state police, or the SHA. Special events may include marches and parades, filming, organized bicycle or pedestrian races and events, local festivals or other types of activities that may impact highway operations. A Maryland State Highway Administration Special Event Permit is required for any event that will impact an Interstate, U.S. Route or State numbered highway.

If part of the event is to occur on a roadway within another jurisdiction (i.e., county or city roads), the event organizer must request a permit from the local agency(s).

B. When is police assistance needed?

Police assistance is required whenever event participants will be passing through a signalized intersection in violation of traffic signals. Police assistance may also be needed when participants pass through an intersection in violation of STOP signs, or will be otherwise violating posted traffic regulations. This most commonly occurs in races so that participants are not delayed at intersections. State law allows uniformed police officers to override traffic regulations to safely manage the flow of traffic. There may also be other instances when police assistance could be needed to help maintain the safe and orderly flow of vehicles and/or pedestrians. The Traffic Control Plan developed for an Event should clearly indicate the location(s) where police assistance will be used, and the specific temporary traffic restrictions being implemented. Their potential impact on overall traffic flow will be considered by SHA during the application approval process.

If it is determined that police assistance is required, it is the event organizer's responsibility to determine which police agency has jurisdiction (State police, county police and/or municipal police) and to make the appropriate arrangements with them to provide the necessary level of support, consistent with the traffic control plan submitted to SHA. If the police agency requires reimbursement for their services, it is the event organizer's responsibility to make arrangements for reimbursement. If law enforcement personnel are not available for your event, riders/participants must obey all traffic signs, signals, etc.

II. PERMIT APPLICATION PROCESS

A. Submit Permit Application to SHA

Once you have determined that your event will require the use of a State highway(s), consider scheduling a meeting with or contacting the appropriate SHA District Office to discuss the proposed event, route, temporary traffic control and permit application requirements. Conflicts with other activities/events can be avoided with advance planning. For events with very large anticipated attendance that are likely to significantly impact traffic flow on State roadways or for new events, the applicant is strongly encouraged to schedule a meeting, or series of meetings, with the appropriate District Office(s). This coordination should occur anywhere from a minimum of six (6) months prior to the event for larger events (e.g., all multi-district events, foot or bicycle races over 5km (3 mi), events with more than 300 participants, parades over one mile, etc.) to ninety (90) days prior to the event for smaller events (e.g., foot or bicycles races of 5km (3 mi) or less, events with less than 300 participants, parades under one mile, etc.).

The [Special Event Permit Application Forms](#) <link to Special Event Permit Application Forms> can be obtained from the SHA website or the appropriate SHA District Office. A completed application (including the Special Event Permit “Data Form”, signed “Signature Sheet”, and required attachments) should be submitted to the appropriate District Office as soon as possible, but no less than sixty (60) days prior to the event. The completed form may be submitted via mail, fax, email or messenger. If you have questions about filling out the forms, contact the appropriate District Office.

In addition to the completed forms, the following documents shall be submitted at the time of application:

- Route Map
- Traffic Control Plan (TCP)
- Other event information, as required by the District Office

Data Sheet. The [Data Sheet](#) <link to Special Event Permit Application Forms> is used to provide basic event information, including the event type, location, date(s), start and end times; event organizer contact information; impacts to State highways; planned use of law enforcement personnel, etc.

Signature Sheet. The event organizer is responsible for coordinating with all local government agencies that will be impacted by the event. This includes, but is not limited to, the public works or transportation department, city manager, mayor, etc. of any incorporated municipality that the event passes through; municipal, county and/or State Police; County Engineer/Roads Department representatives; State or Federal park service representatives; and, county school system representatives.

The event organizer must obtain approval signatures on the [Signature Sheet](#) <link to Special Event Permit Application Forms > from an authorized representative of all applicable local government and police agencies **prior to submitting** the application to SHA. The event organizer should first obtain local government agency approvals, followed by local police approval, then Maryland State Police (MSP) approval. Only after all local agency and police approvals, as indicated by their signatures on the Signature Sheet, are obtained should the completed application be submitted to the appropriate SHA District Office for final approval.

Route Map. Attach a suitably scaled map showing all the roadways that will be affected by the event to the application. Include a route narrative explaining the direction of travel, lane/road closures, rest stops, etc.

Traffic Control Plan (TCP). It is the responsibility of the event organizer to prepare the Traffic Control Plan to be submitted with the application. Firms or qualified individuals with temporary traffic control design experience can prepare plans for you if assistance is needed. The TCP should specifically address:

- How the event organizer will alter normal traffic flow,
- How the event organizer will provide for the safety and needs of event participants, and
- How uniformed police officers will be used, including an estimate of the number of officers needed.

The TCP shall indicate how traffic will be maintained, where the police control points are, and show what lanes, shoulders and total road closures are proposed. The TCP shall also provide detail on how affected intersections will be controlled and show all traffic control devices that will be used. The plan shall show signs for detours and/or informational purposes, including portable changeable message signs (PCMS), which will be used during and in advance of the event. For racing events, uniformed police officers or acceptable traffic control barricades are required at each signalized or STOP controlled intersection.

Other Event Information. Depending on the size and nature of your event, some Districts may require additional information to be submitted along with the Permit Application. Refer to the [Special Event Permit Checklist](#) <link to Special Event Permit Checklist> for a list of information that you may be required to provide to SHA. Contact the appropriate District Office for details on what will be required for your event. If required, this information shall be submitted to SHA with the completed application forms; therefore, it is extremely important that you coordinate with the District prior to the sixty (60) day permit application submission deadline.

Multi-District Events. For events involving more than one District or neighboring states, contact the District Office where the majority of the event takes place. Approval signatures may be required from the other SHA Districts, as well as local government/law enforcement representatives at the Maryland State Police in the secondary Districts. ***For events traveling through the state***, contact the Traffic Development and Support Division in the Office of Traffic and Safety at the address shown in Section H.

B. Agency Review

A representative from the SHA District Office will review the information that has been submitted. The representative will:

- Examine the proposed route and gather information about any construction or maintenance projects that may create specific challenges or conflicts
- Analyze the impact the event may have on roadway operations
- Review the Traffic Control Plans for compliance with State and Federal standards

During this review, the SHA Special Events representative may contact you for additional information. If the original route you have selected or TCP are not acceptable, the event organizer will be informed of the reason(s) and given the opportunity to redraft route and/or the TCP. In these situations, SHA will work with you to lay out a route that will provide the best and safest conditions for both your

participants and the general traveling public. If the route is changed from the original submission, the event organizer must send SHA a revised Data Sheet, Signature Sheet (with local government and law enforcement agency signatures), route map, and traffic control plan.

Once the application package is acceptable, the authorized SHA representative will sign the Signature Sheet. Assuming the application and all required documentation was submitted at least sixty (60) days in advance and was acceptable on the first submittal, the original, signed Special Event Permit will be returned to the event organizer at least one (1) month prior to the date of the event. SHA will provide either hard copies or electronic copies of the approved permit to the affected local jurisdictions and police agencies. The permit, signed by all affected agencies and SHA, authorizes you to hold your event in accordance with the terms and conditions of the approved application package.

C. Notifications

The event organizer is responsible for advising the general public and local emergency services of pertinent details (road closures, detours, times and duration, etc.), including the following notifications:

- All appropriate local and state law enforcement agencies shall be notified of the event prior to submitting the Special Event Permit to SHA.
- All local jurisdictions (city, county, etc.) affected by the event shall be notified of the event prior to submitting the Special Event Permit to SHA.
- Local emergency units (fire, rescue, etc.), local post offices, schools, regularly scheduled buses, and affected residents and businesses shall be notified upon approval of the permit or at least two (2) weeks before the event, as needed.
- As needed, the organizer shall distribute a press release to all local media outlets (radio stations, television stations and newspapers) that will announce the event and advise residents of potential travel delays. The press release shall include dates, times, and roads that will be affected as well as an estimate of the length of delay.
- For events requiring lane closures on State roadways, the event organizer shall notify the Maryland State Highway Administration Statewide Operations Center (SOC) of any lane closures prior to the day of the event. On the day of the event, the organizer shall notify the SOC thirty (30) minutes prior to the actual closure of lanes by telephone at 1-800-543-2515 with confirmation of the start time, estimated time of re-opening, and to verify the location and lanes affected. Once the lane closures are about to be reopened, the event organizer shall notify the SOC to advise them of the opening.

It is not advised to advertise detailed event information prior to gaining SHA event approval.

D. SHA Services

SHA provides the following services and support for your event at no cost:

- Help determining the appropriate routes for the event and need for traffic control
- Review and approval of formal Traffic Control Plans (Note: The event organizer is responsible for developing the Traffic Control Plan)
- Providing information on current highway construction and maintenance projects
- Facilitating the use of highway advisory radio and other public information efforts as appropriate

- If appropriate, providing written explanation to event organizer why application has been rejected.

E. Reimbursement Requirements

- At this time, there is no charge for submitting a Special Event Permit Application.
- If an organizer chooses to use the services of a traffic control company to prepare or make revisions to the traffic control plan, he/she is responsible for any charges incurred.
- The event organizer will be required to pay for traffic control services.
- Police Services: It is the event organizer's responsibility to determine which agency has jurisdiction (state police and/or municipal police) and make the appropriate arrangements with them to provide the necessary level of support. It is the event organizer's responsibility to reimburse the police agency for their services, if required.
- SHA Services: SHA will not provide employees or equipment for special events in most cases. In the rare event that SHA does provide employees or equipment to help with your event, a cost sharing agreement, which includes a written estimate of costs, will be developed prior to the event. This agreement must be signed by the event organizer and SHA.

III. APPLICATION TIMELINE

6+ MONTHS TO 90 DAYS PRIOR TO EVENT

- ☐ Preliminary request to SHA to initially verify event route and discuss permit requirements
- ☐ Coordinate with affected local jurisdictions and obtain their approval on the Special Events Permit Signature Sheet
- ☐ Coordinate with appropriate law enforcement agencies and obtain their approval on the Special Events Permit Signature Sheet

60 DAYS PRIOR TO EVENT

- ☐ Completed Special Event Permit Application (Data Sheet and Signature Sheet) submitted to SHA
 - Preliminary map showing event route and law enforcement placement
 - Traffic Control Plan
 - Other event details, as required.

30 DAYS PRIOR TO EVENT

- ☐ SHA issues approved permit

14 DAYS PRIOR TO EVENT

- ☐ Event organizer notifies affected persons, agencies, etc.

Support Documentation:

[Special Event Permit Application Forms](#) (Link to PDF of Permit Application) Data Sheet and Signature Sheet

[Special Event Permit Checklist](#) (Link to PDF of sample checklist) List of information that may be required for your event

IV. SHA SPECIAL EVENTS STAFF CONTACTS

A. District 1 – Dorchester, Somerset, Wicomico, and Worcester Counties

Mr. Dallas Baker
Maryland State Highway Administration
P.O. Box 2679
660 West Road
Salisbury, MD 21802
Telephone: 410-677-4040
Toll Free: 800-825-4742
FAX: 410-543-6598
Email: dbaker5@sha.state.md.us

B. District 2 – Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties

For Cecil and Kent Counties

Mr. Lawrence Gredlein
Maryland State Highway Administration
615 Morgnec Road
Chestertown, MD 21620
Telephone: 410-810-3246
Toll Free: 800-637-9740
FAX: 410-778-0851
Email: lgredlein@sha.state.md.us

For Caroline, Queen Anne's and Talbot Counties

Mr. Charles Coppage
Maryland State Highway Administration
615 Morgnec Road
Chestertown, MD 21620
Telephone: 410-810-3245
Toll Free: 800-637-9740
FAX: 410-778-0851
Email: ccoppage@sha.state.md.us

C. District 3 – Montgomery and Prince George's Counties

Ms. Shadija Maddox
Maryland State Highway Administration
9300 Kenilworth Avenue
Greenbelt, MD 20770
Telephone: 301-513-7409
Toll Free: 800-749-0737
FAX: 301-513-7403
Email: smaddox1@sha.state.md.us

D. District 4 – Baltimore and Harford Counties

Mr. John Vananzo
Maryland State Highway Administration
320 West Warren Road
Hunt Valley, MD 21030
Telephone: 410-229-2390
Toll Free: 866-998-0367

FAX: 410-527-4688

Email: jvananzo@sha.state.md.us

E. District 5 – Anne Arundel, Calvert, Charles, and Saint Mary's Counties

For Anne Arundel County

Mr. Scott Sumner
Maryland State Highway Administration
138 Defense Highway
Annapolis, Maryland 21401
Telephone: 410-841-1003
Toll Free: 800-331-5603
FAX: 410-841-5309
Email: ssumner@sha.state.md.us

For Calvert, Charles, and St. Mary's Counties

Mr. Greg Phillips
Maryland State Highway Administration
138 Defense Highway
Annapolis, Maryland 21401
Telephone: 410-841-1003
Toll Free: 800-331-5603
FAX: 410-841-5309
Email: gphillips@sha.state.md.us

F. District 6 – Allegany, Garrett, and Washington Counties

Ms. Lona Boone
Maryland State Highway Administration
1251 Vocke Road
La Vale, MD 21502
Telephone: 301-729-8440
Toll Free: 800-760-7138
FAX: 301-729-6968
Email: lboone@sha.state.md.us

G. District 7 – Carroll, Frederick, and Howard Counties

Ms. Mary Nusbaum
District 7 Office
Maryland State Highway Administration
5111 Buckeystown Pike
Frederick, MD 21704
Telephone: 301-624-8140
Toll Free: 800-635-5119
FAX: 301-624-8169
Email: mnusbaum@sha.state.md.us

H. For Events Involving More Than One District

For Events Contained in More than One District or Involving Neighboring States or the District of Columbia

Contact the District Office where the majority of the event takes place. Approval signatures may be required from the other SHA Districts, as well as local government/law enforcement representatives at the Maryland State Police in the secondary Districts.

For Events Traveling through the State

Mr. Robert J. Herstein, Team Leader

Statewide Studies Team

Maryland State Highway Administration

7491 Connelley Drive

Hanover, MD 21076

Telephone: 410-787-5867

Toll Free: 800-760-7138

FAX: 410-582-9469

Email: rherstein@sha.state.md.us



Maryland State Highway Administration

Special Event Permit – Data Sheet

Event: _____

Start Date: _____ End Date: _____

Start Time: _____ End Time: _____

Purpose/Type: _____

Organizer: _____

Contact Person _____ Daytime Phone: _____

and Address: _____ Evening Phone: _____

_____ Email Address: _____

No. of Participants: _____ No. of Vehicles/Units: _____ Rain/Snow Date: _____

Proposed Route: _____

(Written Description)

Will you be occupying all or part of a highway travel lane? No _____ Yes _____

Will you be closing all or part of a roadway? No _____ Yes _____

If Yes to either of the above, where? _____

Have you requested Local Police assistance?* No _____ Yes _____ Number _____

Have you requested Maryland State Police assistance?* No _____ Yes _____ Number _____

*** THE EVENT ORGANIZER IS RESPONSIBLE FOR OBTAINING LOCAL AND/OR STATE POLICE ASSISTANCE ***

CIRCLE THE DISTRICT(S) AND COUNTY(S) YOUR EVENT WILL TAKE PLACE IN

DISTRICT 1 Dorchester / Somerset / Wicomico / Worcester

DISTRICT 2 Caroline / Cecil / Kent / Queen Anne's / Talbot

DISTRICT 3 Montgomery / Prince George's

DISTRICT 4 Baltimore / Harford

DISTRICT 5 Anne Arundel / Calvert / Charles / St. Mary's

DISTRICT 6 Allegany / Garrett / Washington

DISTRICT 7 Carroll / Howard / Frederick

ATTACH THE FOLLOWING

- ☐ Map of affected routes
- ☐ Traffic Control Plan (including details on how intersections will be controlled, a detour plan, locations of police officers/volunteers and locations of all traffic control devices, as appropriate)
- ☐ Other event details _____

(Contact the District Office to determine what, if any, additional information will be required for your event.)

*** Submit completed Data Sheet and Signature Sheet to SHA no later than 60 DAYS prior to your event ***

<http://www.marylandroads.com/Index.aspx?PageId=59>



Maryland State Highway Administration

Special Event Permit - Signature Sheet

EVENT: _____

ORGANIZER'S ACKNOWLEDGEMENT

I/We hereby affirm that the **ORGANIZER** of this **EVENT** and all **PARTICIPANTS** will comply with the Laws of the State of Maryland and any applicable county and municipal statutes and ordinances and will adhere to the terms and conditions set forth in this **PERMIT**. My/Our signature(s) below confirm that the **ORGANIZER** and all **PARTICIPANTS** agree to hold harmless from any liability, incurred by them or to others associated with this **EVENT**, the various governmental agencies providing assistance for this **EVENT**. The **ORGANIZER** may be required to obtain Liability and Property Damage Insurance with limits of at least \$300,000 per incident/\$1,000,000 aggregate.

ORGANIZER:

PLEASE PRINT NAME

REPRESENTATIVE:

PLEASE PRINT NAME

SIGNATURE:

PLEASE SIGN

TERMS AND CONDITIONS

- 1) This **EVENT** shall adhere to the route, number of participants and vehicles (not more than 10% higher than the numbers on this Permit), date(s) and times shown on the attached _____ sheet(s).
- 2) The **ORGANIZER** shall ensure that the approved **TRAFFIC CONTROL PLAN** is followed.
- 3) In the event of winter weather during the event, SHA will require access to all State Highways for weather related operations. This may require cancellation of the event.
- 4) Immediately following the event, the **ORGANIZER** shall clean up all litter, temporary signs and other event materials and return the roadway to a condition equal to or better than its condition before the event.
- 5) Additional stipulations: _____

AGENCY APPROVALS

Before signing and giving approval for your agency, consider the following:

- 1) Ensure you have the approval authority to sign for your agency to commit manpower and resources.
- 2) Ensure you have looked over the entire application package, including the Route Map and Traffic Control Plan. If you identify any problems, have the event organizer address them prior to signing.
- 3) If reimbursement is required, ensure you have mutually agreed upon the amount (in writing) and terms under which payment will be made.

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Maryland State Police: _____
SIGNATURE PRINTED NAME DATE

State Highway Administration: _____
SIGNATURE PRINTED NAME DATE



Maryland State Highway Administration

SPECIAL EVENTS CHECKLIST

Event:

- 1) ☐ Provide detailed event timelines to include start times, expected times when all participants would clear certain key points, cutoff times when any participants left would be removed from the course, and finish times.
- 2) ☐ Identify conflict points with all businesses/churches along route.
 - a. ☐ Explain impacts (Maybe N/A if closed during event's timeline or very minor if event will pass quickly).
 - b. ☐ If impacting, explain plan to avoid conflict as much as possible.
 - c. ☐ If impacting, explain plan to contact these businesses/churches for notification of event and impacts.
- 3) ☐ Provide detailed Route Plan including maps with diagrammatic layouts along roadways.
 - a. ☐ Identify plan for all signalized intersections.
 - b. ☐ Consider parking (If requesting any street parking to be temporarily prohibited, identify police action plan to do so and notification plan for residents/businesses.)
 - c. ☐ If requesting to close a lane of traffic for event:
 - i. ☐ Identify detour route.
 - ii. ☐ Identify delineation/signage plan.
 - iii. ☐ Identify plan to notify all residents in section.
 - iv. ☐ Identify plan to man intersections.
- 4) ☐ Identify exact aide station locations (if applicable).
 - a. ☐ Include approval from property owner or business for that location.
 - b. ☐ Identify size or footprint aide station will take up.
 - c. ☐ Identify gear for volunteers.
 - d. ☐ Identify plan to clean up all litter generated.
- 5) ☐ Identify exact spectator locations and what you will be publishing for them.
 - a. ☐ Identify safe parking in/around these locations.
 - b. ☐ Identify any hazards and mitigation plan associated with each location.
- 6) ☐ Identify all traffic control devices (cones, drums, signs, PCMSs, etc.) to be used throughout the entire route.
 - a. ☐ Identify quantities required.
 - b. ☐ Identify where materials will be acquired from and associated cost estimate.
 - c. ☐ Identify who will place all materials and associated cost estimate.
 - d. ☐ Identify timeline for when materials will be set-up and picked up.
- 7) ☐ Identify all detour plans for areas where lanes will be closed.
 - a. ☐ Identify detour routes.

- b. ☐ Identify timelines (i.e. Detour starts at 0600 and finished after 0900 because participants would be clear).
- c. ☐ Option for 2-way flagging and/or temporarily stopping all traffic may be considered.
- 8) ☐ Identify allowances for emergency services:
 - a. ☐ For the event participants.
 - b. ☐ For other emergencies within event footprint.
- 9) ☐ Identify manning plan.
 - a. ☐ Identify exact locations and how many police officers required. (All signalized intersections, detour areas, and possibly others)
 - i. ☐ Identify what police entity would be at each location.
 - ii. ☐ Identify time that they can be released from that location.
 - iii. ☐ Identify cost estimate for their overtime (if applicable).
 - b. ☐ Identify locations and how many adult volunteers required. (All other county and private road intersections, business entrance/exits, etc.)
 - i. ☐ Identify gear for all volunteers (i.e. Type II reflective safety vests, others...)
 - c. ☐ Identify State Highway Administration personnel required.
 - i. ☐ Identify cost estimate for their overtime (if applicable).
 - d. ☐ Provide contact information for event leadership/coordinators and their positions on event day.
 - e. ☐ If using "leap-frog" approach in shifting volunteers, provide very detailed plan including original location and next locations with times departed and arrived at each. (Consider travel delays for traffic back-ups.)
 - f. ☐ Memorandums of Agreement (MOA) will have to be written and signed for agreed upon reimbursement amounts. Signatures on application will suffice if non-profit event and no funds req'd for gov't agencies.)
- 10) ☐ Identify details surrounding the insurance plan for the event.
- 11) ☐ Identify inclement weather plan.

Town of Upper Marlboro

RESOLUTION: 2018-08 DRAFT #2

SESSION: Regular Town Meeting

DATE: _____, 2019

RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO APPROVE AND MAINTAIN THE GREATER UPPER MARLBORO CERT

WHEREAS, the Governing Body of the Town of Upper Marlboro recognizes the need for enhanced emergency response resources in the wake of recent, unprecedented, natural disasters in the state of Maryland and likelihood that such events will increasingly occur; and

WHEREAS, first responders to such natural disasters, and other emergencies, have to address often overwhelming circumstances in emergency situations; and

WHEREAS, the Federal government has established the Community Emergency Response Team (CERT) program under its Citizens Corps and is coordinated nationally by the Department of Homeland Security's Federal Emergency Management Agency (FEMA), created by Executive Order 13254 in January by the President of the United States; and

WHEREAS, the Governing Body of the Town of Upper Marlboro has the authority to establish and maintain a CERT that can be trained to help first responders and address various needs in the event of an emergency; and

NOW, THEREFORE, BE IT RESOLVED, the Chief of the Town of Upper Marlboro Police Department, or an appointee such as an elected official or Town employee, shall be designated by the President of the Board of Town Commissioners to act as a non-voting liaison to the Greater Upper Marlboro CERT; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this _____ day of _____, 2019 the following:

1. The Board of Town Commissioners has determined that it is in the public interest to create and maintain an Upper Marlboro Community Emergency Response Team
2. The Greater Upper Marlboro CERT is organized exclusively for educational purposes and public service to the citizens and communities of Greater Upper Marlboro, MD
3. That the mission of the Committee is to provide trained assistance to professional responders in case of community-wide emergencies; and, to also provide trained assistance to area residents during disasters, emergencies, and miscellaneous planned events.

Town of Upper Marlboro

4. That the Committee shall report to the Board of Town Commissioners, at least quarterly on their work, and also submit a proposed budget to the President of the Board of Town Commissioners during the month of March of each year.
5. That the meetings of the Committee are subject to, and in compliance with, the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.
6. That the Committee adopt such Bylaws, within 30 days of appointment, as it deems appropriate for final approval by the Board.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2019.

M. David Williams, Town Clerk

Bylaws of the Greater Upper Marlboro, Maryland
Community Emergency Response Team (CERT)

ARTICLE I. Name and Location

Section 1. The name of this organization shall be the Greater Upper Marlboro Community Emergency Response Team, hereinafter referred to as "CERT," a nonprofit organization in the State of Maryland.

Section 2. The Greater Upper Marlboro CERT shall be based and shall meet at the Town of Upper Marlboro Town Hall or as where the elected officers shall determine. All meetings of shall be in compliance with the Open Meetings Act of the State of Maryland.

ARTICLE II. Purpose

Section 1 The Greater Upper Marlboro CERT is organized exclusively for educational purposes and public service to the citizens and communities of Greater Upper Marlboro, MD and more specifically to:

- o Educate citizens of the community on the subject of disaster/emergency preparedness, response, recovery, and mitigation;
- o Provide assistance to the residents during disasters and emergencies;
- o Provide trained assistance to professional responders in case of community-wide emergencies; and to
- o Provide trained assistance during planned events.

ARTICLE III. Membership

Section 1. Qualification: Membership in the Greater Upper Marlboro CERT shall be individuals who will or have completed the required training and certification.

Section 2. Types of Membership: There will be two types of memberships in the Greater Upper Marlboro CERT; Active and Inactive. Active members will be authorized to vote and participate in all Greater Upper Marlboro CERT activities.

Inactive members will be any person who has missed more than five consecutive meetings in a calendar year. Inactive members will not be allowed to vote, however, they may attend meetings, take training and participate in events. Attendance of three consecutive meetings shall reinstate active member status. This also include any member of the Leadership Team (President, Vice-President, Secretary and Treasurer unless they have been excused by the President)

Section 3. Duration of Membership. An individual may remain a member so long as they maintain the requisite skills.

Section 4. Resignation. A Greater Upper Marlboro CERT member may resign at any time by giving written notice to the Leadership Team. Resignation shall be effective upon receipt unless otherwise noted therein. Acceptance shall not be required to make it effective. Upon resignation the member shall return all team issued items and equipment. Examples include, but are not limited to: credentials/identification, clothing and equipment issued by the Prince George's County Office of Emergency Management (OEM).

Section 5. Removal. A Greater Upper Marlboro CERT member may be removed for cause (including being determined inactive) by the CERT Leadership Team or OEM for conduct determined by the Leadership Team and/or OEM to be contrary to the best interest of CERT, OEM or the jurisdictions they serve and represent.

Section 6. Reinstatement. A Greater Upper Marlboro CERT member may request reinstatement to membership by the Leadership Team. A decision to reinstate will be at the sole discretion of the Leadership Team with the decision being final.

Section 5. Fees. A onetime fee of Twenty-five dollars (\$25.00) may be required upon joining the Greater Upper Marlboro CERT.

ARTICLE IV. The Board of Directors

Section 1. The Board of Directors shall consist of the elected officers and the standing committee chairperson(s). See Article XIII for Committees.

Section 2. The Board of Directors shall handle the regular business of the Greater Upper Marlboro CERT.

Section 3. Regular meetings of the Board of Directors shall be held as required and established by the Board of Directors.

Section 4. A quorum for conducting the business of the Board of Directors shall be a majority of all Board Members. A member of the Board not present may vote by absentee ballot.

Section 5. The Board of Directors is authorized to make expenditures of up to Three Hundred U.S. dollars (\$300.00) without the approval of the membership.

Section 6. The Board of Directors shall submit a Budget Request to the Town of Upper Marlboro every March, listing previous year's accomplishments, and anticipated projects/events for the year ahead (Town fiscal year runs July 1–June 30.)

ARTICLE V. Officers (Board of Directors) and Committee Chairpersons

Section 1. There shall be the following elected officers: A.) President; B.) Vice- President; C.) Secretary; and, D.) Treasurer (future) removed Community Outreach Coordinator

Section 2. An officer who does not comply with assigned responsibilities may be relieved of office by President or a majority vote by the membership after notification to the individual involved. Appointment of a replacement shall be made by the President of the Greater Upper Marlboro CERT with the approval of the Board of Directors pending the annual election.

Section 3. Committee members shall be appointed by the President of CERT; subject to approval by the Board of Directors.

Section 4. A committee chairperson may be removed for a good cause by the President, if in the President's judgment; the chairperson is not properly performing or will not properly perform the duties of the position; subject to approval by a majority of the Board of Directors.

THE BOARD of DIRECTORS RECIEVES NO COMPENSATION

ARTICLE VI. Elections

Section 1. a) Nominations: Any Active Member may place into nomination an Active Member for elected office. The Nominating Committee will compile a list of all Nominations, present the list in the form of a ballot for the election of officers under Article V Section 1. b) Nominating committee: The Nominating committee shall verify eligibility of voting members. They may organize the election at their discretion with procedures that guarantee fairness and legality. c) Report of the Nominating Committee shall be made at the last meeting of the year; and d) Nominations from the floor will be in order at the last meeting of the year and prior to elections and installation of the new officers at the first meeting of the New Year; with the consent of the nominee.

Section 2. The Nominating Committee will consist of no less than the Chairperson plus two Active Members.

Section 3. Election shall be by secret ballot.

Section 4. Each eligible Active Member shall cast one vote.

Section 5. Term of office: Officers shall be elected for a term of two years. Officers may be elected for a consecutive term in the same office.

Section 6. Immediately following installation, the outgoing officers shall turn over to the newly installed officers all files, monies and historical materials and equipment.

ARTICLE VII. Duties of Officers

Section 1. The President shall: a) Preside at all meetings of the Board of Directors and general meetings of CERT, and at any special meetings; b) Sign checks with the Treasurer or another authorized signer; c) Sign all contracts, letters, etc. as required; and, d) Serve as an ex-officio member of all committees except that of the nominating committee; and, e) Call special meetings when necessary.

Section 2. The Vice-President shall perform the duties of an absent President and perform such duties as are assigned by the President.

Section 3. The Secretary shall record the minutes of all proceedings of the Board of Directors and membership meetings. The Secretary shall handle the correspondence of the Greater Upper Marlboro CERT. Should the President or Vice-President not be available for a general meeting, the Secretary will preside over the meeting.

Section 4. The Treasurer shall a) Have charge of all the funds of The Greater Upper Marlboro CERT team; b) Make financial reports to the membership at meetings; c) Sign all checks with the President or another authorized signer; d) Keep dues collected in advance for the next administration; and, e) Keep funds in a bank account to be audited annually and kept orderly.

ARTICLE VIII. Meetings

Section 1. Regular meetings shall be scheduled on the second Saturday of each month from 9:00–10:30 a.m., unless there is a scheduling conflict with the Town Hall.

Section 2. General membership. A quorum shall be a minimum of seven (7) active members at a regular or special meeting of the membership.

Section 3. Special meetings may be called by the President, the Board of Directors or a majority of the Active Members. Notice of a special meeting shall be given as early as time allows. This notice shall be written, oral or electronic mail.

Section 4. Public notification of all meetings of the Board of Directors shall be posted according to Maryland Open Meetings Act requirements through The Town of Upper Marlboro website, social media outlets and official publications in which calendars are employed.

ARTICLE IX. Amendments

a) The Bylaws may be amended or revised by an affirmative vote of a majority of Active Members.

b) This vote will be by written ballot. Amendments to the Bylaws shall be given to Active Members in writing by the next regularly scheduled meeting and voted upon on the next following meeting.

ARTICLE X. Dissolution

Section 1. Dissolution shall be in accordance with the Greater Upper Marlboro CERT's Articles of Incorporation.

ARTICLE XI. Rules of Order

"Roberts Rules of Order, Newly Revised" shall be the basis of conducting meetings.

ARTICLE XII. Standing Rules

Regular meetings will be called to order at 9:00 a.m.

ARTICLE XIII Standing Committees

1. Training
2. Community Relations

ARTICLE 1X - EFFECTIVE DATE

These by-laws shall become effective on _____.

APPROVED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at their regular monthly Town Meeting, on this _____ day of _____, 2019, by:

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Tonga Y. Turner, President

Attest:

M. David Williams
Town Clerk

REVISED:

Town of Upper Marlboro

RESOLUTION: 2018-07 DRAFT #1
SESSION: Regular Town Meeting
DATE: _____, 2019

RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO APPROVE AND ESTABLISH AN UPPER MARLBORO EVENTS COMMITTEE

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to Section 82-16 (1) General Powers; and (2)(p) and (2)(rr) Specific Powers, of the Town Charter to create departments to further the public interest of the Town, and to establish programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, in the past year, the Board of Commissioners has successfully enhanced and expanded its community outreach program to its residents and area citizens, resulting in higher attendance levels and volunteerism at various annual Town events; and

WHEREAS, the Board of Commissioners has established goals and initiatives to strengthen community relations through proactive partnership with its residents, businesses and surrounding area communities; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this _____ day of _____, 2019 the following:

1. That the Board of Commissioners has determined that it is in the public interest to create a Town of Upper Marlboro Events Committee.
2. That the Board of Commissioners shall appoint a Chairperson and six (6) members to the Committee for two year terms, said terms starting on January 1, 2019, to serve without compensation and at will.
3. That the Committee shall elect a Vice-Chairperson and Secretary by majority vote.
4. That the mission of the Committee is to provide annual and special venues of social and/or educational entertainment and activities to foster community engagement throughout the year for the residents of the Town and surrounding area communities.
5. That the Committee shall report to the Board of Town Commissioners, at least quarterly, on their work and submit a proposed budget to the President during the month of March of each year.

Town of Upper Marlboro

6. That the meetings of the Committee are subject to and in compliance with the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.

7. That the Committee adopt such by-laws, within 30 days of appointment, as it deems appropriate for final approval by the Board.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2019.

M. David Williams, Town Clerk

TOWN OF UPPER MARLBORO
POLICY FOR PUBLIC INFORMATION REQUESTS

effective: January 22, 2019

The Town of Upper Marlboro is a Chartered Municipality that supports, under oath, to uphold the Constitution and Laws of the State of Maryland. The Town of Upper Marlboro Charter can be found on the Town Website: www.uppermarlboromd.gov, or, on the Maryland.gov website at: <http://msa.maryland.gov/msa/mdmanual/37mun/upper/html/u.html>

The Town of Upper Marlboro provides access to public records in accordance with Maryland's Public Information Act (MDPIA). The Town Clerk is the Town's official custodian of records for MDPIA requests. Requests for information under the MDPIA only require production of existing documents under the control of the Town. The MDPIA does not require the Town to compile information from existing documents or create documents in response to general inquiries.

1. The bulleted list below show the documents that are immediately available upon request (such documents do not require the submission of the Town's [Public Information Request Form](#)).
2. Requests for public information which is not immediately available, must be submitted in writing to: Town Clerk, Town of Upper Marlboro, 14211 School Lane, Upper Marlboro, MD 20772.
3. If the request is to review public documents not immediately available, the Town Clerk will respond in writing with an estimated time for delivery, or denial, within 10 days.
4. If paper copies totaling more than 6 pages are requested, charges will be assessed according to the Town Service Fees schedule (see attached [Resolution 2016-05](#)) and are payable in advance. If the total fees are not immediately known, the Town Clerk will respond within 30 days with total costs.
5. For items that are not readily available, a search and preparation fee of \$35 per hour will be applied for staff labor that exceeds the complimentary 2 hours at no charge.
6. Requests will be satisfied within 30 calendar days, unless the request has been denied or information cannot be retrieved within that time period, or if the requested document(s) do not exist—in which case, the Clerk will respond to requests in writing within 10 business days as to the reason for the denial or delay.
7. Should you wish to have denials for Public Information requests reviewed by the President, you may make your request known, or you may also seek judicial review under Md. Ann. Code, GP Art. §4-362, or, refer any concerns about this decision to the Public Access Ombudsman (OAG) pursuant to GP § 4-1B-01 et seq.

DOCUMENTS IMMEDIATELY AVAILABLE FROM THE TOWN CLERK

- Town Charter (36 pages)
- Town Ordinances (1976 to present)
- Town Resolutions (1977 to present)
- Monthly Treasurer's Reports/Financial Statements
- Minutes from monthly Board Town Meetings & Work Sessions

TOWN OF UPPER MARLBORO
MARYLAND PUBLIC INFORMATION ACT REQUEST FORM

REQUESTOR:

Name of Individual and/or Organization: _____

Address/Phone Number/Email/Other Contact Information: _____

INFORMATION REQUESTED:

Pursuant to §4-201 et seq. of the General Provisions Article, Annotated Code of Maryland, request is hereby made for (please specify): _____ EXAMINATION, and/or, _____ COPIES of the following records. The request should be as specific as possible, and should include specific dates and/or time frames; document names or subject matter; and specific locations and/or addresses:

SIGNATURE:

I understand that if the Town does not have the records as requested above, it is not required to create one. I further understand that the costs of searching for, preparing and reproducing the documents requested requiring more than 2 hours staff labor will be charged at the rate of \$35 per hour, and must be paid prior to release of the documents (fee schedule attached).

I understand that if I am permitted to examine the record, I shall not alter, falsify, cancel, destroy, mutilate or remove any part thereof, under penalty of law. If the Town denies access to the records I have requested herein, I understand that I have the right to seek judicial review of that decision by filing a complaint in the appropriate circuit court, as provided in §4-362 of the General Provisions Article, Annotated Code of Maryland, which sets forth certain remedies for wrongful denial of access.

NOTE TO REQUESTOR: If the fee to be charged exceeds \$350.00 and you believe the fee to be unreasonable, you may file a complaint with the State Public Information Act Compliance Board as provided in § 4-1A-05 of the General Provisions Article, Annotated Code of Maryland. You may also seek the assistance of the Office of the Public Access Ombudsman to resolve disputes between you and the Town relating to requests for public records as provided in § 4-1B-01 of the General Provisions Article, Annotated Code of Maryland.

Signature _____ Date: _____

FOR OFFICE USE ONLY:

TO (DEPARTMENT(S)): _____

DID THE CITY ATTORNEY REVIEW REQUEST? YES _____ No _____

REQUESTOR NOTIFIED OF RESPONSE ON: _____ BY _____

FEE CHARGED: \$ _____ FEE PAID (DATE) _____ REC'D BY _____

RECEIPT

DOCUMENTS/INFORMATION RECEIVED BY: _____ DATE: _____

The Town of Upper Marlboro

RESOLUTION: 2016-05

SESSION: Regular Town Meeting

DATED: May 10, 2016

A RESOLUTION AUTHORIZING SETTING OF FEES FOR VEHICLE PARKING LOT PERMITS, IMPOUND RELEASES, NOTARY, COPY AND PRINT SERVICES

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate in the State of Maryland under its Charter and as a municipal corporation; and

WHEREAS, pursuant to § 82-37 of the Town Charter, the Treasurer under the supervision of the President, has the authority and is required to bill for and collect all taxes, special assessments charges, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collections the Town is responsible, and receive any funds receivable by the Town; and

WHEREAS, the Commissioners find that it is in the best interest of the Town to establish or change various fees from time to time.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, Maryland, that the following fees, attached hereto and incorporated herein by reference, be set effective July 1, 2016 and remain in effect until a new Resolution is passed.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this 10th day of May, 2016.

ATTEST:

BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO,
MARYLAND


Clerk


James Storey, President

May 10, 2016
Date


Nancy C. Clagett, Commissioner


Linda Pennoyer, Commissioner



The Town of Upper Marlboro

Exhibit 1. – Misc. Fee Schedule

The following fees will be imposed for the services listed below as approved by the Board of Commissioners for the Town of Upper Marlboro:

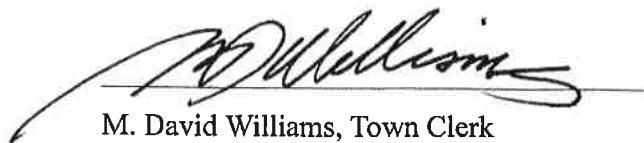
Copies (up to 6 pages no charge)	\$ 0.25 per additional page
Faxes (up to 3 pages no charge)	\$ 0.50 per additional page
Reproductions (onto compact disc)	\$ 20.00 per disc
Notary Public	\$ 4.00 per seal
Ordinance Book (paper copies)	\$ 35.00 per set
Police Report	\$ 5.00
Returned Check	\$ 25.00
Vehicle Impound Release Form	\$ 50.00
Credit Card Processing Fee	3.5 percent
Church St. Lot (long-term/daily rates)	\$.50 per hour—up to 10 hours / 8 a.m.– 6 p.m.
Church St. Lot (Parking Permits)	\$ 40.00 per month — \$ 12.00 per week

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 10th day of May, 2016.




M. David Williams, Town Clerk

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

MEMORANDUM

To: Board of Commissioners, Town of Upper Marlboro
From: Chief of Staff Kyle Snyder
Date: Tuesday January 15, 2019
Re: Dumpster Permit Application — 14703 Main Street

Mayor & Commissioners:

The Town has received an application from VM Properties LTD for placement of a dumpster unit to the rear of 14703 Main Street Upper Marlboro MD 20772. This dumpster is being used to clean up after the fire in July 2018.

The owner did not include an anticipated date to be removed on the application, so at this point Town Staff recommend the Board approve the Roll-Off Container permit application with an expiration date of Friday March 22, 2019. After this 60-day permit period the owner would need to submit another roll-off container application to keep the dumpster on site past the 60-days.



Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

APPLICATION FOR ROLL-OFF DUMPSTER PERMIT

Please complete all below fields and submit to Town Hall or by email: Info@UpperMarlboroMD.gov

Resident/Contractor Contact Information:

Property Owner/Resident Name: Rm 14703 MAIN ST	Property Owner/Resident Address: VM PROPERTIES LTD
Property Owner/Resident Phone: VM PROPERTIES LTD	Property Owner/Resident Email Address:
*Contractor/ Project Contact Name: JOSEPH F VALLARIO JR	*Contractor/ Project Contact Phone: JANE A BILDER
*Contractor/ Project Contact Email Address: 3014238100 FAX 3014231372	410 279 6604

Roll Off Container Information:

Date Container Placed: A/R TRAILING 301 8991201	Anticipated Date to be Removed:
Container Size (cubic yards): LARGE ROLL OFF CONTAINER	Container Placement Location (Driveway, yard, ect.): REAR ALLEY 14703 MAIN ST

Narrative:

In this area please briefly describe the: 1) Project description 2) Materials to be placed in container 3) Any other pertinent information:

14703 - 14705 MAIN ST AND 5302-5307
WISSE - B. BUILDING
TRASH FROM FIRE

*If Applicable/Optional

Please read information on second page and sign →

Linda Pennoyer
Commissioner/ Treasurer

Wanda Leonard
Commissioner

Tonga Turner
President

PHONE: 301-627-6905 • FAX: 301-627-2080
E-MAIL: info@uppermarlboromd.gov • WEBSITE: uppermarlboromd.gov
MAILING ADDRESS: P.O. Box 280 • Upper Marlboro, Maryland 20773

Per Town Ordinance 2017-01 Building & Permitting:

For a full version of this Ordinance visit the Town website UpperMarlboroMD.gov or contact Town Hall 301-627-6905

Section 6. ROLL OFF CONTAINER PERMITS

- A. A Town of Upper Marlboro roll-off container permit shall not be required whenever a roll-off container (dumpster, portable storage unit, or other container) is placed on private commercial, industrial or residential property for less than fifteen (15) calendar days.
- B. Any roll-off container unit placed on Town property or Town right-of-way or any Town street shall require a permit prior to being placed. The permittee accepts all responsibility for any damage caused by placement of the container.
- C. If any roll-off container, or containers, are found to remain on the property for over fifteen (15) days, the owner must submit a Roll-Off Container permit application in a timely manner to the Town for review by the Board of Town Commissioners. If the permit is denied by the Board of Town Commissioners, the roll-off container, or containers, shall be removed immediately after fifteen (15) calendar days of being placed on the property.
- D. The property owner shall make the best attempt to have the unit sited on asphalt, concrete, gravel, or hard paved surface. The roll-off container cannot encroach on neighboring property or on Town property or on Town right-of-way, sidewalk or street without the prior approval of the Board of Town Commissioners and/or the neighboring property owner.
- E. The roll-off container unit may not be used as a transfer station to which building or construction debris, other materials or waste is brought from another site and deposited into the roll-off container unit sited on a property situated in the Town of Upper Marlboro.
- F. All roll-off units shall be in good condition, free of rust, peeling paint or other visible forms of deterioration.
- G. When a Town permit is issued after fifteen (15) days of the container being placed on the property, said permit shall be conspicuously visible from the street. Failure to obtain a permit after fifteen days shall result in a daily fine until the container is removed or a permit is obtained.

Section 11. FINES

- A. Failure to obtain a Town Roll-Off container permit after fifteen (15) calendar days: \$25.00 per day the property remains in violation until container removal or permitted.

NEXT STEPS:

After this application is properly filled out and submitted to the Town Hall, the application will be reviewed by the Board of Town Commissioners. If the Board approves the application, the Town Code Enforcement Official will provide a Town Roll-Off Container Permit with an expiration date set/approved by the Board. Please note there is no fee for this application/permit.

By signing below, I certify that all provided information is correct and I understand the above guidelines for Roll-Off Container Permits according to Town Ordinance 2017-01.

Property Owner Signature: [Signature]

Date: 1-4-19

APPROVAL OF BOARD OF TOWN COMMISSIONERS:		
	Approved: YES / NO	Date:
Approved Date of Removal:		

Town of Upper Marlboro

RESOLUTION: 2019-01 DRAFT #1

SESSION: Regular Town Meeting

DATE : 1/22/2019

RESOLUTION BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO ADOPT PARKING METER RATES

WHEREAS, pursuant to § 82-16(2)(gg) of the Town Charter, the Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State and subject to any restrictions imposed by the public general laws of the State, the power to pass ordinances for the specific purpose of licensing and regulating all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of the Charter; and

WHEREAS, the Town of Upper Marlboro is moving forward with becoming a Prince George's County Food Truck Hub; and

WHEREAS, THE BOARD OF COMMISSIONERS HAS DETERMINED THAT there is a need to establish a fee and application process for Food Truck Vendors operating within Town limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that as of March 1, 2019 a one-day permit for Food Truck vendors will cost \$100.00. These fees will be remaining in effect until a new resolution is passed.

AND BE IT FURTHER RESOLVED The penalty for vending without a Town permit will be \$300.00. All Food Truck vendors must be properly licensed by Prince George's County prior to obtaining a Town permit.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2019.

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND

M. David Williams
Clerk

Tonga Turner
President

Wanda Leonard
Commissioner

Town of Upper Marlboro

Effective Date: _____

Linda Pennoyer
Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this
_____ day of _____, 2019.

M. David Williams, Town Clerk



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

MEMORANDUM

To: Board of Commissioners

From: William T. Morgan, Finance Director

Date: January 17, 2019

Re: FY2018 Budget Amendment

This is an informative memo adhering to adjust the FY2018 budget with an amendment. The previous approved amendment was unbalanced by \$771.76 and this new proposed amendment will rectify that error to balance the final budget passed.

William T. Morgan

William T. Morgan
Director of Finance

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

Year-End Adjustment
June 26, 2018

General Government	FY18 June Detail Budget	Expenses	June 2018 Change	June 2018 Change Detail Budget
8080.00 Bank Charges	3900.00	6075.33	3475.33	7375.33
8071.00 Ads/Legal Notices	800.00	480.00	-320.00	480.00
8110.00 Legal	0.00	0.00	0.00	0.00
8115.00 Computer Software & Support	6000.00	2620.39	-3379.61	2620.39
8200.00 Other	500.00	6171.76	5671.76	6171.76
8092.00 Printing	1000.00	3496.12	2496.12	3496.12
8075.00 Payroll Processing	5500.00	3897.13	-1200.00	4300.00
8090.00 Postage	1800.00	1734.62	-1965.38	-165.38
8095.00 Celebrations	1200.00	6522.32	4000.00	5200.00
8100.00 Due & Subscriptions	2500.00	2572.63	72.63	2572.63
8120.00 Bond	200.00	158.00	-42.00	158.00
8122.00 Insurance - General Liability	3000.00	3889.09	889.09	3889.09
8123.00 Claims	1000.00	0.00	-1000.00	0.00
8125.00 Insurance - Wrks Comp	165.00	112.97	-52.03	112.97
8130.00 Supplies	2000.00	1050.04	-107.35	1892.65
8140.00 Contribution	200.00	0.00	-200.00	0.00
8150.00 Election	300.00	254.29	-45.71	254.29
8155.00 Judges	600.00	0.00	-344.05	255.95
8160.00 Telephone	6350.00	6474.02	425.00	6775.00
8165.00 Utilities	6500.00	6587.76	500.00	7000.00
8185.00 Historical Committee	1500.00	433.99	-1066.01	433.99
8190.00 Convention	3500.00	7619.44	4119.44	7619.44
8215.04 Wellness Program	3000.00	0.00	-500.00	2500.00
8060.00 Pension	17585.00	14752.94	-2832.06	14752.94
8074.00 Audit	15500.00	14973.00	-527.00	14973.00
8073.00 Accounting	8100.00	31.83	-8068.17	31.83
Total	92700.00		0.00	92700.00
Public Safety				
8273.00 Uniforms	1796.00	2387.99	591.99	2387.99
8260.06 Washington	57500.00	59707.70	5257.00	62757.00
8260.04 Officer	8000.00	3070.40	-2000.00	6000.00
8275.00 Staff Training	1224.30	295.65	-928.65	295.65
8273.00 Replacement Officer	2500.00	1317.65	-1182.35	1317.65
8285.00 Insurance - Wrks Comp	13450.00	9288.65	-4161.35	9288.65
8283.00 Insurance - Vehicle	4000.00	2881.71	-1118.29	2881.71
8062.00 Pension Benefit	13824.00	12280.82	-1543.18	12280.82
8320.00 Other	500.00	0.00	-500.00	0.00
8274.00 Weapons & Duty Equipment	2975.70	8662.09	5686.39	8662.09
8290.02 SUI -Unemployment	255.00	325.95	70.95	325.95
8261.00 Overtime	12000.00	14398.42	2444.42	14444.42
8300.03 Maintenance	1500.00	819.22	-116.93	1383.07
8305.02 Fuel	10000.00	3648.00	-2500.00	7500.00
Total	129525.00		0.00	129525.00
Public Works				
8360.01 Superintendent	54,500.00	30,960.41	-9875.84	44,624.16
8376.00 PW - Small Tools & Equipment	2,000.00	3,340.82	1340.82	3,340.82
8360.04 Bond	35,360.00	35,088.83	2000.00	37,360.00
8361.00 Overtime	600.00	4,361.26	3761.26	4,361.26
8370.02 SUI Unemployment	153.00	175.90	22.90	175.90
8410.00 Vehicle Repair	4,000.00	6,250.68	2250.68	6,250.68
8560.00 Waste Collection/Disposal Fees	4,500.00	4,667.16	500.00	5,000.00
Total	101113.00		0.00	101113.00