



Takoma Park City Council Meeting – September 22, 2021 Agenda Item 2

Voting Session

First Reading Ordinance – Code Changes for City Boards and Committees

Recommended Council Action

Discuss and vote on suggested code changes for city committees, commissions and boards, which reflect Council discussions and Council subgroup recommendations in previous work sessions.

Context with Key Issues

The Council has identified a priority of reviewing the existing structure, appointment processes, and practices for Council-appointed committees to increase committee efficiency and effectiveness, attract new members, and explore innovative ways to improve resident engagement. The desired outcome is to enable more diverse, engaged, productive, and rewarding committee membership. Currently there are 16 Council-appointed volunteer boards, commissions and committees, as distinct from short-term task forces. At this meeting, the Council will vote on code changes that reflect Council discussions and Council subgroup recommendations in previous work sessions.

At the January 2021 Council priorities retreat, initial recommendations were presented. An informal working group of staff and Council members reported in June 2020 to Council on preliminary recommendations and results of a survey of committee members past and present, which highlighted issues of relevance and purpose, lack of diversity in committee membership, and need for training and administrative improvements. Feedback from committees over the summer largely supported these concerns and approaches to address them. City staff participating in a GARE cohort worked on diversity in committee membership as their project, and their feedback was to consider the committee system as a whole, topic areas, relevancy to all residents, and relationship to other ways to accomplish the same purposes.

Council has held a series of work sessions over the past few months, from February to September, to consider steps toward achieving these goals. Work sessions have focused on defining an overall purpose for committees, administrative and operational improvements to better support committees (such as training), both wider and more targeted recruitment for members to increase committee diversity, and a review of each individual group's purposes and relevance by applying common factors. Current and prior committees and their members have had the opportunity to contribute to the discussions. In June 2021, the Council extended existing committee appointments to October 15 to allow time to implement changes as well as to recruit and appoint new members. Council also adopted a code of conduct for committee members (Resolution 2020-22, October 7, 2020). Some of these actions require code changes.

At the September 8 work session, code changes that reflect Council discussions and Council subgroup recommendations in previous work sessions will be presented and discussed. Recommended code changes would:

- Establish a common membership, terms, and purposes;
- Provide limited exceptions for specific committees;

- Retain specific code language for quasi-judicial and regulatory groups;
- Streamline code language for non-regulatory standing committees; and
- Codify the Youth Council and Grants Review Committee.

Building on previous discussions, the code changes would also:

- Continue five quasi-judicial & regulatory groups and five standing committees (and address minor code issues after reappointments);
- Discontinue three groups – Personnel Appeal Board, Facade Advisory Board, Commemoration Commission;
- Continue for now pending further discussion – Noise Control Board, in context of public safety discussion, and Nuclear Free Committee, pending outcome of proposed Sustainable Investing Task Force; and
- Discontinue two groups in their current form: Committee on the Environment (reconstitute in code as Sustainable Maryland Committee) and Complete Safe Streets Committee (consider a future Vision Zero Task Force).

Council Priority

Engaged, Responsive & Service-oriented Government: Improve and Formalize Systems for Council-Appointed Committees.

Goal: Improve and formalize systems for Council-appointed committees.

Strategy: Review existing structure, appointment processes, and practices for Council-appointed committees, and make changes to increase efficiency and effectiveness and attract new members; explore innovative ways to engage residents who tend to be harder to reach.

Desired outcome: Diverse, engaged, productive, and rewarding committee membership.

Environmental Considerations

There is no direct environmental impact from the review of the Council-appointed committees. A Council action related to the Committee on the Environment or other committees focused on climate-change or sustainability initiatives could have a positive or negative impact on environmental initiatives in the future, depending on final direction in this area and the future work of the committee.

Fiscal Considerations

Some of the recommendations related to recruitment activities and member supports, such as stipends or childcare/transportation reimbursement or services, have possible staff and budget impacts. Estimated costs will be considered in decisions about adopting changes.

Racial Equity Considerations

Creating and supporting more diverse and representative Council-appointed committees is at the forefront of this initiative. Existing Council-appointed committees do not generally reflect the diversity of the population of Takoma Park. The proposed recommendations address this issue in a number of ways. For example, the Council proposed a fresh approach to recruitment and appointment of Committee members. This includes member-supports to address financial and social barriers to committee participation that residents of color face at disproportionately higher rates than white residents. There are also planned improvements in training and operations of committees. This is critical to ensuring that committees and their members function in a way that is welcoming to all residents and to bolster committees' capacity to apply race equity considerations to their work. For example, the Council adopted a code of conduct for committee members (Resolution 2020-22, October 7, 2020) in part to clearly state that discrimination by any committee member will not be tolerated.

Links to Background Information

- Sept. 8, 2021 [work session](#)
- July 28, 2021 [work session](#) and [presentation](#)

- July 21, 2021 [work session](#) and [presentation](#)
- July 7, 2021 [work session](#) and [presentation](#)
- June 16, 2021 [voting session](#)
- June 9, 2021 [work session](#) and [presentation](#)
- May 19, 2021 [work session](#) and [presentation](#)
- May 12, 2021 [work session](#) and [presentation](#), [presentation on orientation/handbook](#)
- May 5, 2021 [work session](#) and [presentation](#)
- April 14, 2021 [work session](#) and [presentation](#)
- March 17, 2021 [work session](#) and [presentation](#)
- March 3, 2021 [work session](#) and [presentation](#)
- Feb. 17, 2021 work session [information](#) and [presentation](#)
- June 2020 Review and [Draft Recommendations](#) for Structure and Operations (prepared by the working group)
- [Link to](#) Board, Commission, and Committee Membership Information
- [Link to Committee Survey Results](#)

Attachments

- Draft Single Reading Ordinance

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2021-__

AMENDING THE CITY OF TAKOMA PARK CODE IN ORDER TO REIMAGINE THE CITY’S ADVISORY COMMITTEES AND QUASI-JUDICIAL BOARDS AND COMMISSIONS BY AMENDING CHAPTER 2.16 BOARDS AND COMMITTEES, ENACTING CHAPTER 2.17, AMENDING CHAPTER 3.04 ETHICS COMMITTEE, AMENDING CHAPTER 4.04 CIVIL SERVICE, REPEALING CHAPTER 8.40 COMMERCIAL DISTRICT FAÇADE REGULATIONS, AMENDING CHAPTER 12.04 TREES AND VEGETATION – GENERAL PROVISIONS, AMENDING CHAPTER 14.04 NUCLEAR FREE ZONE, AND AMENDING CHAPTER 14.12 NOISE CONTROL

WHEREAS, the Maryland Code, Local Government Article, Section 5–202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Section 401(a) of the City Charter states that the Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland as it may deem necessary for the good government of the City, for the protection and preservation of the City’s property, rights, and privileges, for the preservation of peace and good order, for securing persons and property from violence, danger or destruction, and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the City; and

WHEREAS, Section 401(b)(1) of the City Charter states that the Council has the power to establish any administrative agencies, boards, commission that may be deemed necessary to further the purposes of the City, and to provide administrative procedures, including rule making and quasi-judicial decision-making by such agencies; and

WHEREAS, the City Council identified it as a priority to review the overall structure and purpose of existing Council-appointed committees and put in place improvements with the desired outcome of enabling diverse, engaged, productive, and rewarding resident involvement and collaboration with City government; and

WHEREAS, the City Council has held work sessions for more than a year focused on evaluating and putting in place improvements to the committee appointment

1 processes, establishing a common committee structure to increase efficiency and
2 effectiveness, attracting new members so committees more closely reflect the
3 diversity of the community, and exploring innovative methods to engage and
4 collaborate with residents who may face barriers to participating.

5
6 **SECTION 1.** NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
7 OF TAKOMA PARK, MARYLAND, THAT Title 2, Chapter 2.16 be amended
8 and that Chapter 2.17 be enacted as follows:

9

Title 2
ADMINISTRATION

Chapters:

- 2.04 Meetings and Procedures of the Council**
- 2.08 City Management**
- 2.12 Administrative Regulations**
- 2.16 ~~Boards and Commissions~~ Advisory Committees**
- 2.17 Boards and Commissions**
- 2.20 Police Department**

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1 **Chapter 2.16**
2 **~~BOARDS AND COMMISSIONS~~**

3 **ADVISORY COMMITTEES**

4 Sections:

5 Article 1. General Provisions

6 2.16.010 Advisory Committees. ~~Membership of statutory Council appointed committees.~~

7 2.16.020 Terms of advisory committees.

8
9 Article 2. Tree Commission

10 ~~2.16.020 Establishment.~~

11 ~~2.16.030 Composition.~~

12 ~~2.16.040 Function.~~

13 Article 3. Stormwater Board.

14 ~~2.16.050 Designation Presiding officer.~~

15 ~~2.16.060 Membership Conduct of business.~~

16 Article 4. Commemoration Commission

17 ~~2.16.070 Establishment.~~

18 ~~2.16.075 Statement of purpose.~~

19 ~~2.16.080 Membership, terms, and structure.~~

20 ~~2.16.085 Duties and responsibilities of the Commission.~~

21 Article 5. Complete Safe Streets Committee

22 ~~2.16.100 Committee established.~~

23 ~~2.16.110 Statement of purpose.~~

24 ~~2.16.120 Committee membership, terms of office, structure, and staffing.~~

25 ~~2.16.130 Duties and responsibilities of the committee.~~

26 Article ~~2~~ 6. Arts and Humanities ~~Commission~~ Committee

27 ~~2.16.140030~~ Commission Committee established.

28 ~~2.16.150040~~ Statement of purpose.

29 ~~2.16.160~~ Commission membership, terms of office, structure and staffing.

30 ~~2.16.170050~~ Duties and responsibilities of the ~~Commission.~~ Committee.

31 Article ~~3~~ 7. ~~Committee on the Environment~~ Sustainable Maryland Committee

32 ~~2.16.180060~~ Committee established.

33 ~~2.16.200070~~ Statement of purpose.

34 ~~2.16.210~~ Committee membership, terms of office, structure and staffing.

1 ~~2.16.220080~~ Duties and responsibilities of the Committee.

2 Article 4 8. Emergency Preparedness Committee

3 ~~2.16.230090~~ ~~Established.~~ Committee established.

4 ~~2.16.240100~~ ~~Duties of Emergency Preparedness Committee.~~ Statement of purpose.

5 ~~2.16.250110~~ ~~Membership.~~ Duties and responsibilities of the Committee.

6 ~~2.16.260120~~ ~~Open meetings requirements.~~ Membership.

7 Article 5 9. Recreation and Community Engagement Committee

8 ~~2.16.300130~~ ~~Establishment of Recreation Committee.~~ Committee established.

9 ~~2.16.310140~~ ~~Statement of purpose.~~

10 ~~2.16.320150~~ ~~Membership, Terms of Office, Structure and Staffing.~~ Duties and responsibilities
11 of the Committee

12 ~~2.16.330~~ ~~Meetings.~~

13 ~~2.16.340~~ ~~Duties and Responsibilities of the Committee.~~

14 Article 6. Grants Review Committee

15 2.16.160 Committee established.

16 2.16.170 Statement of purpose.

17 2.16.180 Duties and responsibilities of the Committee.

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Article 7. Youth Council

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21 2.16.190 Council established.

22 2.16.200 Statement of purpose.

23 2.16.210 Duties and responsibilities of the Council.

24 2.16.220 Membership.

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26 Article 8. Nuclear Free Committee

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28 2.16.230 Committee established

29 2.16.040 Statement of Purpose

30 2.16.050 Duties and responsibilities.

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Article 1. Advisory Committees - General Provisions.

2.16.010 Advisory Committees.

A. The City Council may establish by ordinance any advisory committee it deems necessary. In addition to other duties assigned, advisory committees are charged with:

- 1. Providing the City Council with tangible recommendations in key priority areas.
- 2. Leveraging residents’ technical expertise and lived experiences to inform City policies and programs.
- 3. Ensuring that the Council has regular and timely information to use when considering its priorities or important issues.
- 4. Providing an opportunity to engage residents on issues that are important to them as well as to assist in community education and engagement activities in their priority areas.

B. The authority of such entities is limited to that extended to it by the City Council.

C. Each Committee is required to report the status of its work annually or at the request of the City Council. Council shall review each committee’s report and may concurrently undertake a review of each Committee’s purpose, duties, other assigned tasks, and adjust them as necessary.

D. Membership of advisory committees shall be in accordance with the provisions of this section unless otherwise provided by City Code.

- 1. Only City residents may serve on a committee.
- 2. Individuals interested in serving on a committee may apply in accordance with procedures and time frames set forth by the City Council and shall be confirmed and appointed by a majority vote of City Council.
- 3. A member who has served on a committee for six years continuously, may not be reappointed to the same committee until one year has elapsed since the end of that member’s previous tenure.
- 4. A member who is term limited may apply to serve on a Committee for which the member is not term limited.

E. Organization.

- 1. Unless otherwise stated in the Code or directed by Council, each advisory committee should consist of up to nine members.

1 2. Each committee shall operate under a common set of procedural rules, which shall
2 be prepared by the City Attorney’s office and be approved by Council.

3
4 3. Each committee shall elect from its members the following officers: chairperson,
5 vice chairperson, and secretary. Officers shall serve for a period of one year at which time
6 each committee shall elect again the officers. The chairperson shall be elected annually,
7 but may only serve in that capacity for two consecutive years. The Chairperson may not
8 hold two offices simultaneously.

9
10 F. Meetings.
11

12 1. Committees shall meet at least quarterly or as often as required to fulfill their
13 purposes.

14
15 2. All meetings shall be open to the public and are subject to Maryland’s Open
16 Meetings Act. Meeting notices and agendas shall be prepared and submitted to the City
17 Clerk and posted in advance of any committee meeting in accordance with State law.
18 Written records of proceedings and attendance shall be maintained by the committee and
19 provided to the City Clerk for safe keeping. A report on the activities of each committee
20 shall be submitted to the City Clerk and Council once per year.

21
22 3. Meetings shall be held at times that facilitate and allow for committee member
23 attendance and ease of public attendance.

24
25 4. A majority of a committee shall constitute a quorum.

26
27 5. Meetings shall take place at a City government building or other publicly accessible
28 location approved by the City Manager. The meetings may occur in person or virtually,
29 so long as such is announced in advance. Meetings may include a virtual attendance option
30 for members and for the public.

31
32 6. At least three members of every committee must maintain current Open Meetings
33 Act certification and provide a copy of the certification to the City Clerk.

34
35 G. Each committee shall designate an individual who shall be responsible for preparing meeting
36 agendas and minutes, and coordinate publishing and storage of the same with the City Clerk.

37
38 H. Staff liaison. The City Manager shall assign a member of the City staff to act as a staff liaison
39 to each committee, who shall provide general support to the committee.

40
41 I. Member Conduct.
42

43 1. Members are expected to attend each meeting of the committee on which they
44 serve. Members may miss a scheduled meeting for cause.
45

1 2. Members are expected to adhere to the Code of Conduct established by the Code
 2 of Conduct for Council-Appointed Members of Boards, Committees, Commissions, and
 3 Task Forces (Resolution 2020-22, Oct. 7, 2020).

4
 5 3. Council, by resolution, may remove a member from their position upon finding a
 6 violation of the Code of Conduct, no longer meeting the requirements for membership, or
 7 otherwise not fulfilling the duties of a member.
 8

9 **2.16.01020 ~~Membership of statutory Council-appointed~~ Terms of advisory committees.**

10
 11 A. Except as noted elsewhere in this Chapter, beginning in 2021, the initial term for half of a
 12 committee’s members will end on June 30, 2022. The initial term for the other half of a
 13 committee’s members’ terms will begin in 2021 and end June 30, 2023. If there are an odd
 14 number of appointees, the odd number appointee shall be considered part of the term having the
 15 later expiration date.

16
 17 B. Except as noted elsewhere in this Chapter, after the initial terms have expired, all terms of
 18 office will be staggered terms of two years. Said terms shall begin on July 1st and end June 30th.

19
 20 C. The total terms of office for members of a committee shall be no more than six continuous
 21 years unless otherwise provided in this Chapter.

22
 23 D. A member appointed to fill a vacancy shall serve the remainder of the term of office that
 24 became vacant.

25
 26 E. Below is a table containing each advisory committee, the term length, and the expiration
 27 date of the term.
 28

| <u>Advisory Committee</u> | <u>Term Length (Years)</u> | <u>Expiration</u> |
|--|--------------------------------|-------------------|
| <u>Arts and Humanities Committee (Article 2)</u> | <u>2</u> | <u>June 30</u> |
| <u>Sustainable Maryland Committee (Article 3)</u> | <u>2</u> | <u>June 30</u> |
| <u>Emergency Preparedness Committee (Article 4)</u> | <u>2</u> | <u>June 30</u> |
| <u>Recreation and Community Engagement Committee (Article 5)</u> | <u>2</u> | <u>June 30</u> |

| <u>Advisory Committee</u> | <u>Term Length (Years)</u> | <u>Expiration</u> |
|--|--------------------------------|-------------------|
| <u>Grants Review Committee (Article 6)</u> | <u>2</u> | <u>June 30</u> |
| <u>Youth Council (Article 7)</u> | <u>1</u> | <u>June 30</u> |
| <u>Nuclear-Free Committee (Article 8)</u> | <u>2</u> | <u>June 30</u> |

- 1
- 2 A.— ~~The Council shall appoint all members of the committees identified in this section.~~
- 3 B.— ~~Except as otherwise provided in sections specific to individual committees, all members of~~
4 ~~committees are residents of the City of Takoma Park and, in the event a committee member ceases~~
5 ~~to reside in the City of Takoma Park, that member is ineligible to serve on the Committee as an~~
6 ~~active member.~~
- 7 C.— ~~Several of the statutory committees are established and defined in this chapter. Cross-~~
8 ~~references to the enabling sections of the Code for all statutory committees, including those which~~
9 ~~are established and defined in other chapters of the City Code, are noted in the Term Expiration~~
10 ~~chart below. The length and expiration month/date of terms for each committee shall be as follows:~~

| <u>Committee</u> | <u>Term Length (Years)</u> | <u>Expiration</u> |
|--|--------------------------------|---------------------|
| Arts and Humanities Commission (Section <u>2.16.140</u> et seq.) | 3 | June 30 |
| Board of Elections (Section <u>5.24.020</u> et seq.) | 3 | June 30 |
| Commemoration Commission (Section <u>2.16.070</u> et seq.) | 3 | March 31 |
| Commission on Landlord Tenant Affairs (Section <u>6.24.010</u> et seq.) | 3 | June 30 |
| Committee on the Environment (Section <u>2.16.180</u> et seq.) | 2 | June 30 |
| Emergency Preparedness Committee (Section <u>2.16.250</u> et seq.) | 3 | March 31 |

| Committee | Term Length (Years) | Expiration |
|--|--------------------------------|-------------------|
| Ethics Commission (Section <u>3.04.050</u> et seq.) | 2 | September 30 |
| Facade Advisory Board (Section <u>8.40.010</u> et seq.) | 3 | April 30 |
| Noise Control Board (Section <u>14.12.140</u>) | 3 | March 31 |
| Nuclear Free Committee (Section <u>14.04.110</u>) | 2 | March 31 |
| Personnel Appeal Board (Section <u>4.04.800</u> et seq.) | 3 | March 31 |
| Recreation Committee (Section <u>2.16.300</u> et seq.) | 2 | April 30 |
| Safe Roadways Committee (Section <u>2.16.100</u> et seq.) | 2 | June 30 |
| Tree Commission (Section <u>2.16.020</u> et seq.) | 3 | September 30 |

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- ~~1. The initial term of a committee member who is appointed to replace a member who cannot complete his or her term shall be for the remainder of the term of the member being replaced.~~
- ~~2. An initial term of a committee member that will expire in 6 months or less from the date of appointment is considered a short term appointment.~~
- ~~3. At the time a short term appointment is made, the Council may extend the person's short term appointment to include the next full term for the Committee, as set forth in subsection (C) of this section.~~
- ~~4. A committee member who resigns, whose term expires or who ceases to reside in Takoma Park, at the discretion of the Committee Chairperson, may continue as an inactive member of the Committee to complete work on matters in which he or she participated as an active member of the Committee.~~
- ~~5. The Council may, by resolution, remove a committee member before that person's term~~

1 ~~has expired if the Council determines that the person has become incapacitated or has failed~~
2 ~~to reasonably perform his or her duties as a committee member. A committee may recommend~~
3 ~~to the Council in writing that a committee member be removed because the member has~~
4 ~~repeatedly failed to attend meetings or hearings of the Committee. Such a recommendation is~~
5 ~~made only upon the majority vote of the committee members present at a meeting where a~~
6 ~~quorum of the Committee exists. (Ord. 2014-63 § 2 (part), 2014/Ord. 2012-38 § 2 (part),~~
7 ~~2012/Ord. 2012-37 § 2 (part), 2012/Ord. 2012-12 § 2 (part), 2012/Ord. 2009-56 § 2, 2009/Ord.~~
8 ~~No. 2008-4, 2-25-2008/Ord. 2005-9 § 2, 2005/Ord. 2004-3 (part), 2004)~~

9 **Article 2. Tree Commission**

10 **2.16.020 — Establishment.**

11 A Tree Commission is established to preserve, protect and promote the urban forest of Takoma
12 Park. (Ord. 2004-3 (part), 2004)

13 **2.16.030 — Composition.**

14 The Tree Commission is composed of up to five City residents appointed by the Council. The
15 terms begin on October 1st and end on September 30th. The members shall elect among themselves
16 a Chair. (Ord. 2004-3 (part), 2004)

17 **2.16.040 — Function.**

18 The Tree Commission, with the assistance of the Arborist, shall propose rules, regulations,
19 procedures and actions to be taken by the City to preserve and protect the urban forest, subject to
20 the approval of the Council, and perform any other related duties assigned by the Council by
21 ordinance or resolution. (Ord. 2004-3 (part), 2004)

22 **Article 3. Stormwater Board.**

23 **2.16.050 — Designation — Presiding officer.**

24 The Council is designated the Stormwater Board for the City of Takoma Park. The Mayor shall
25 serve as the Presiding Officer of the Stormwater Board. (Ord. 2004-3 (part), 2004)

26 **2.16.060 — Membership — Conduct of business.**

27 The voting members of the Stormwater Board shall be the same as the Council. Charter provisions
28 governing the conduct of Council business are applicable to the Stormwater Board, and the Board
29 is authorized to adopt such regulations as may be necessary or desirable for its operations and to
30 carry out stormwater management in the City of Takoma Park. Stormwater Board regulations, if
31 necessary, are promulgated in accordance with the procedures set forth in Chapter 2.12
32 (Administrative Regulations), of the Takoma Park Code, as amended from time to time. (Ord.
33 2004-3 (part), 2004)

34 **Article 4. Commemoration Commission**

35 **2.16.070 — Establishment.**

36 There is established a Takoma Park Commemoration Commission. (Ord. 2014-63 § 1, 2014)

37 **2.16.075 — Statement of purpose.**

38 The Commission shall document, maintain, and preserve past, present, and future memorials,
39 commemoratives, and recognitions in the City; recommend to the City Council procedures and

1 ~~programs to honor and commemorate individuals, organizations and businesses that have made~~
2 ~~significant contributions to the social, cultural, historical, political, economic, or civic life of the~~
3 ~~City as a whole or to a neighborhood/local area as well as programs for individuals to honor others;~~
4 ~~implement such programs within its scope and budget; and decide on recognitions after~~
5 ~~opportunity for public review and comment. (Ord. 2014-63 § 1, 2014)~~

6 **2.16.080—Membership, terms, and structure.**

7 A.—~~Membership. The Commission will be comprised of up to nine but not less than five voting~~
8 ~~members and four nonvoting members.~~

9 1.—~~Voting Members. At least one voting member may be nominated by each of the ward~~
10 ~~Councilmembers and at least one at large voting member may be nominated by the Mayor.~~
11 ~~No ward shall have more than two voting members on the Commission. Voting members shall~~
12 ~~be residents of the City.~~

13 2.—~~Nonvoting Members. The four nonvoting members shall include one representative~~
14 ~~selected by Historic Takoma, Inc., one representative selected by the Arts and Humanities~~
15 ~~Commission, one representative selected by the Recreation Committee, and one staff liaison~~
16 ~~selected by the City Manager.~~

17 3.—~~Appointments. All voting members and representative nonvoting members shall be~~
18 ~~appointed by the City Council, except for the staff liaison who shall serve at the pleasure of~~
19 ~~the City Manager.~~

20 B.—~~Terms. The regular term on the Commission shall be three years. However, initial~~
21 ~~appointments shall be for one, two, or three years to ensure continuity. All terms shall expire on~~
22 ~~March 31st. Except for the staff liaison, members shall serve for no more than two consecutive~~
23 ~~full terms.~~

24 C.—~~Structure. The Commission shall organize to accomplish its purposes, and elect from its~~
25 ~~members co-chairs and other officers as it shall deem necessary.~~

26 1.—~~Elections. Elections for officers shall be held annually.~~

27 2.—~~Meetings. The Commission shall meet at least quarterly. All meetings are subject to the~~
28 ~~Maryland Open Meetings Act.~~

29 3.—~~Quorum. A majority of voting members shall constitute a quorum to conduct business.~~

30 4.—~~Annual report. A report on the activities of the Commission shall be submitted to the~~
31 ~~Council at least once a year.~~

32 5.—~~The Commission shall conform to other provisions of Article 1 of this chapter, as may~~
33 ~~be amended from time to time. (Ord. 2014-63 § 1, 2014)~~

34 **2.16.085—Duties and responsibilities of the Commission.**

35 A.—~~Inventory and review the status of historical commemoratives, recognitions and memorials~~
36 ~~in City facilities and other places within the City, including those that have been possibly lost or~~
37 ~~placed in storage. Recommend action for the disposition of these commemoratives.~~

- 1 ~~B.— Develop a digital record of images and information related to commemoratives.~~
- 2 ~~C.— Maintain and supervise the City’s commemorative archival records. Issue an annual report~~
3 ~~on the status of these records, listing the content and place of each record maintained by the City.~~
4 ~~These digital records shall be publicly accessible.~~
- 5 ~~D.— Adopt and maintain a policy/procedure manual for including all commemorative archival~~
6 ~~records in the digital archive.~~
- 7 ~~E.— Devise a means to include in the digital archive oral or written stories by or about those~~
8 ~~commemorated.~~
- 9 ~~F.— Create a program of categories and procedures for a variety of permanent and one time~~
10 ~~honors, awards and memorials and recommend adoption by the City Council. These honors,~~
11 ~~awards, and memorials shall include options for individuals to commemorate others (e.g., plaques,~~
12 ~~memorial trees, benches, and so on). Once adopted, the Commission shall implement the program.~~
- 13 ~~G.— Establish a system of maintenance for commemorative projects.~~
- 14 ~~H.— Recommend a schedule of fees for commemorative services.~~
- 15 ~~I.— Recommend to the City Council an annual budget for Commission operations and programs.~~
16 ~~It is expected that the Commission will be primarily self-funded from fees charged for~~
17 ~~commemorative services.~~
- 18 ~~J.— The Commission shall make recommendations to the City Council on the establishment of~~
19 ~~an endowment fund to support the maintenance and preservation of commemoratives for a~~
20 ~~reasonable period of time to be determined, including a fee structure to support the endowment~~
21 ~~that would be charged for each service.~~
- 22 ~~K.— Work collaboratively with other organizations and individuals in the City by sharing~~
23 ~~information and ensure that commemorative services are complementary and not duplicative.~~
- 24 ~~L.— Recommend to the City Council designated areas in the City where honors may be placed.~~
- 25 ~~M.— Recommend guidelines for fabrication and installation of all commemoratives. Each~~
26 ~~commemorative shall have the City seal and have a uniform design theme.~~
- 27 ~~N.— Recommend to the City Council proposed memorandums of understanding with other~~
28 ~~agencies regarding honors on their property (e.g., MCPS and M-NCPPC). (Ord. 2014-63 § 1,~~
29 ~~2014)~~

30 **~~Article 5. Complete Safe Streets Committee~~**

31 **~~2.16.100— Committee established.~~**

32 ~~There is established a Takoma Park Complete Safe Streets Committee which shall serve in an~~
33 ~~official advisory and coordination role to the City Council on all matters related to transportation.~~
34 ~~(Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/Ord. 2004-08 § 1, 2004)~~

1 **~~2.16.110—Statement of purpose.~~**

2 ~~The purpose of the Takoma Park Complete Safe Streets Committee shall be as follows:~~

3 ~~A.—To advise the City Council on transportation-related issues including, but not limited to,~~
4 ~~pedestrian and bicycle facilities and safety, traffic issues, and transit services.~~

5 ~~B.—To encourage Takoma Park residents to use alternatives to driving, including walking,~~
6 ~~bicycling, and transit. (Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/Ord. 2004-08 § 2, 2004)~~

7 **~~2.16.120—Committee membership, terms of office, structure, and staffing.~~**

8 ~~A.—Membership. The Committee consists of up to 11 persons to be appointed by the Council.~~
9 ~~Efforts shall be made to have representation from each of the City’s wards, and to ensure diversity~~
10 ~~of interests and subject matter expertise where feasible. Members may serve for no more than six~~
11 ~~years continuously.~~

12 ~~B.—Terms of Office. Committee members shall serve staggered two-year terms with initial~~
13 ~~appointments of one and two years. All terms shall begin on July 1st and end on June 30th.~~
14 ~~Midterm vacancies shall be filled to serve the balance of the unexpired term.~~

15 ~~C.—Structure.~~

16 ~~1.—The Committee shall organize to accomplish its purposes, and elect from its members~~
17 ~~co-chairs and other officers as it shall deem necessary. Elections for officers shall be held~~
18 ~~annually.~~

19 ~~2.—The Committee shall meet at least quarterly.~~

20 ~~3.—All meetings are open to the public and are subject to the Maryland Open Meetings Act.~~
21 ~~Meeting notices and agendas are prepared and submitted to the City Clerk and posted in~~
22 ~~advance of any Committee meeting in accordance with State law. Written records of~~
23 ~~Committee proceedings are maintained. A report on the activities of the Committee shall be~~
24 ~~submitted to the Council at least once a year.~~

25 ~~4.—A majority of members shall constitute a quorum to conduct business.~~

26 ~~D.—Staffing. The City Manager shall designate a Committee liaison, who shall provide~~
27 ~~appropriate staff support to the Committee on an as needed basis.~~

28 ~~E.—The Committee shall conform to other provisions of Article 1 of this chapter as may be~~
29 ~~amended from time to time. (Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/Ord. 2005-36,~~
30 ~~2005/Ord. 2004-08 § 3, 2004)~~

31 **~~2.16.130—Duties and responsibilities of the committee.~~**

32 ~~The Committee shall advise and assist the Council with respect to developing and implementing~~
33 ~~policies to increase transportation safety and accessibility in Takoma Park, especially for~~
34 ~~pedestrians, bicyclists, and transit riders. In furtherance of these duties, the Committee shall~~
35 ~~attempt to accomplish the following:~~

36 ~~A.—Assist the Council in the development of policies and programming that address the~~
37 ~~transportation concerns of the community.~~

1 ~~B.— Assist the Council in outreach to residents to understand their Complete Streets priorities~~
 2 ~~and concerns, and in prioritizing transportation-related projects.~~

3 ~~C.— Collaborate with programs and organizations and with other City task forces and committees~~
 4 ~~that may, at any time, be involved in matters relating to Takoma Park roadways, transit,~~
 5 ~~pedestrians, and bicyclists.~~

6 ~~D.— Prepare an annual report to the Council on the activities of the Committee and provide~~
 7 ~~additional briefings as required. (Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/ Ord. 2004-08 §~~
 8 ~~4, 2004)~~

9 **Article 2 6. Arts and Humanities ~~Commission~~ Committee.**

10 **2.16.140030 ~~Commission~~ Committee established.**

11 There is established a Takoma Park Arts and Humanities ~~Commission~~ Committee which shall
 12 serve in an official advisory role to the City Council on all matters related to the arts, which will
 13 promote, coordinate, and strengthen public programs to further cultural development of the City.
 14 (Ord. 2003-1 § 1 (part), 2003)

15 **2.16.150040 ~~Statement of purpose.~~**

16 The purpose of the Takoma Park Arts and Humanities ~~Commission~~ Committee shall be as follows:

17 A. To advise the City Council on ways in which the City might best serve the public with regard
 18 to matters involving the arts.

19 B. To encourage and aid the appreciation and awareness of, and participation in, the arts among
 20 all Takoma Park residents.

21 C. To encourage cooperation and coordination among individuals, organizations and
 22 institutions concerned with the arts in Takoma Park.

23 ~~D. To facilitate employment opportunities for artists and the development of self-sustaining~~
 24 ~~arts programs. (Ord. 2003-1 § 1 (part), 2003)~~

25 **2.16.160 ~~Commission m~~ Membership, terms of office, structure and staffing.**

26 A. Membership. ~~The Commission shall consist of a minimum of 7 and maximum of 15 persons~~
 27 ~~to be appointed by the City Council. Council may appoint non-resident members,~~ but shall
 28 prioritize appointing Takoma Park residents. A minimum of 2/3 of the members of the
 29 ~~Committeession~~ shall reside in the City of Takoma Park. No organization which is a potential
 30 recipient of city arts funding shall have on the **Committeession** more than one person who serves
 31 on its board or staff. Every effort shall be made to have a broad and diverse representation of the
 32 fine and performing arts community and of local arts and cultural organizations on the
 33 Committeession.

34 ~~B.— Terms of Office. Commission Members shall serve staggered 3-year terms with initial~~
 35 ~~appointments of one, 2 and 3 years. All terms shall begin on July 1st and end on June 30th.~~
 36 ~~Members may be appointed for a maximum of 2 successive terms. Mid-term vacancies shall be~~
 37 ~~filled to serve the balance of the unexpired term.~~

1 ~~C.— Structure.~~

2 ~~1.— The Commission shall organize and adopt bylaws and rules of procedure, necessary to~~
3 ~~accomplish its purposes, and elect from its members a Chairperson and such other officers as~~
4 ~~it shall deem necessary. Officers shall serve for a period of one year.~~

5 ~~2.— The Commission shall meet quarterly or as often as required to fulfill its responsibilities.~~

6 ~~3.— All meetings shall be open to the public and are subject to the Maryland Open Meetings~~
7 ~~Law. Meeting notices and agendas shall be prepared and submitted to the City Clerk and~~
8 ~~posted in advance of any Commission meeting in accordance with State law. Written records~~
9 ~~of Commission proceedings shall be maintained. A report on the activities of the Commission~~
10 ~~shall be submitted to the City Council once a year.~~

11 ~~4.— The Commission shall not meet unless a majority of the appointed members are present.~~

12 ~~5.— The Commission, individually, or as a whole, may lobby or provide comments or~~
13 ~~recommendations to entities other than the City Council only as authorized and directed by~~
14 ~~the City Manager or through formal action of the City Council.~~

15 ~~D.— Staffing. The City Manager or his or her designee shall provide appropriate staff support to~~
16 ~~the Commission. (Ord. 2003-6 § 1, 2003/Ord. 2003-1 § 1 (part), 2003)~~

17 **2.16.170050 Duties and responsibilities of the Commission Committee.**

18 ~~The Commission Committee shall advise and assist the City Council with respect to developing~~
19 ~~and promoting the performing and visual arts for the enjoyment, education, cultural enrichment~~
20 ~~and benefit of the residents of the City of Takoma Park. In furtherance of these duties, the~~
21 ~~Commission Committee shall attempt to accomplish the as followsing:~~

22 A. Develop in cooperation with other City Departments and the Montgomery County Arts and
23 Humanities Council, a long-range Master Plan for the development of a thriving arts community
24 in Takoma Park and the utilization of public facilities for art-related activities. Such Master Plan
25 shall be updated every 2 years;

26 B. Initiate, sponsor, conduct or support, alone or in cooperation with other public or private
27 agencies, public programs in the arts;

28 C. Serve as a clearinghouse for information about Takoma Park artists, art programs, facilities,
29 organizations and institutions and to actively encourage public awareness, utilization, and support
30 of such resources;

31 D. Advise the City as to the availability and adequacy of facilities and space for the presentation
32 of cultural activities;

33 E. Review and advise on the aesthetic aspects of all works of art or designs or public monuments
34 accepted or commissioned by the City;

35 ~~F. Prepare and submit budgetary Present funding recommendations to the City Manager for~~
36 ~~annual expenditures necessary for the continuation and development of public programs and~~
37 ~~facilities which further the arts;~~

- 1 G. Review funding requests and recommend to the City Council the allocation of monies to
2 cultural organizations, arts organizations, and individual artists;
- 3 ~~H. Seek out and encourage contributions and grants to the arts from private and public sources;~~
- 4 H. Initiate Support proposals for Federal and State assistance to the arts and to review arts-
5 related proposals and programs originated by the City and approved by the City Manager;
- 6 I. Keep abreast of what other communities are doing to further the arts and make
7 recommendations to adapt their accomplishments to the needs of Takoma Park;
- 8 ~~KJ. Prepare an annual report to the City Council on the activities of the Commission. (Ord.~~
9 ~~2003-1 § 1 (part), 2003)~~

10 **Article 3 7. Sustainable Maryland Committee on the Environment**

11 **2.16.180060 Committee established.**

12 There is established a Takoma Park Sustainable Maryland Committee which shall serve in an
13 official advisory and coordination role to the City Council.

14 ~~Committee on the Environment which shall serve in an official advisory and coordination role~~
15 ~~to the City Council on all matters related to environmental sustainability, protection and~~
16 ~~restoration. (Ord. 2012 37 § 1, 2012/Ord. 2005 9 § 1 (part), 2005)~~

17 **2.16.200070 Statement of purpose.**

18 Sustainable Maryland is a certification program for municipalities in Maryland that want to go
19 green, save money and take steps to sustain their quality of life over the long term. Sustainable
20 Maryland is a collaborative effort between the Environmental Finance Center at the University of
21 Maryland and the Maryland Municipal League.

22
23 The purpose of the Sustainable Maryland Committee is to provide recommendations to the City
24 Council that will allow the City to achieve sustainability and other environmental certifications
25 that may help the City meet its environmental goals and priorities.

26
27 ~~The purposes of the Committee shall be as follows:~~

28 ~~A. To advise the City Council on all environmental issues, including, but not limited to,~~
29 ~~stormwater management, greenhouse gas reduction, air quality, tree protection, open space~~
30 ~~conservation, biodiversity, watershed functioning and restoration, energy use, transportation,~~
31 ~~energy conservation, and recycling;~~

32 ~~B. To serve in partnership with the City Council and Takoma Park City staff to work together~~
33 ~~to achieve sustainability and other environmental certifications that may help the City meet and be~~
34 ~~recognized for its environmental goals. (Ord. 2012-37 § 1, 2012/Ord. 2005-9 § 1 (part), 2005)~~

35 **2.16.210 Committee membership, terms of office, structure and staffing.**

36 ~~A. Membership. The Committee shall consist of 11 to 15 persons to be appointed by the~~
37 ~~Council. Efforts shall be made to have representation of the following:~~

1 ~~1. — No less than five interested residents, including residents with expertise in a variety of~~
2 ~~scientific, technical, and environmental policy disciplines, and outreach skills related to~~
3 ~~environmental science.~~

4 ~~2. — No less than four representatives from community organizations including local~~
5 ~~environmental and cultural groups, public health and civic organizations, faith-based groups,~~
6 ~~and parent-teacher organizations.~~

7 ~~3. — No less than two representatives from local businesses or business groups.~~

8 ~~C. — Terms of Office. Committee members shall serve staggered two-year terms, with initial~~
9 ~~appointments of one and two years. Terms shall begin on July 1st and end on June 30th. Members~~
10 ~~may serve for no more than three continuous terms.~~

11 ~~D. — Structure.~~

12 ~~1. — The Committee shall organize to accomplish its purposes, and elect from its members~~
13 ~~two co-chairs and other officers as it shall deem necessary.~~

14 ~~2. — The Committee shall meet at least quarterly.~~

15 ~~3. — All meetings shall be open to the public and are subject to the Maryland Open Meetings~~
16 ~~Act. Meeting notices and agendas shall be prepared and submitted to the City Clerk and posted~~
17 ~~in advance of any Committee meeting in accordance with State law. Written records of~~
18 ~~Committee proceedings shall be maintained. An oral or written report on the activities of the~~
19 ~~Committee shall be submitted to the Council at least once a year.~~

20 ~~4. — A majority of members shall constitute a quorum to conduct business.~~

21 ~~E. — Staffing. The City Manager or his or her designee shall provide appropriate staff support to~~
22 ~~the Committee on an as-needed basis when requested, but staff shall not be permanently assigned~~
23 ~~to the Committee.~~

24 ~~F. — The Committee shall conform to other provisions of Article 1 of this chapter, as may be~~
25 ~~amended from time to time.~~

26 ~~G. — Committee, City and Council Collaboration. To achieve Sustainable Maryland Certified~~
27 ~~Municipal Certification or other such certifications that may arise in the future, no less than twice~~
28 ~~per year the co-chairs of the Committee on the Environment and the Mayor will convene and co-~~
29 ~~chair joint meetings which shall be called “Committee/Council Sustainability Certification~~
30 ~~Meetings.” All members of the Committee on the Environment, the City Council and City~~
31 ~~Manager, or a designee of the City Manager, are voting members during Committee/Council~~
32 ~~Sustainability Certification Meetings. (Ord. 2012-37 § 1, 2012/Ord. 2005-9 § 1 (part), 2005)~~

33 **2.16.220080 Duties and responsibilities of the Committee.**
34

35 ~~The Committee shall review and provide advice on City and community actions that affect~~
36 ~~environmental quality. The Committee may review resolutions, legislation, regulations, and~~
37 ~~published policies, guidance, administrative actions, plans, and program activities that may affect~~

1 ~~environmental quality. In furtherance of these duties, the Committee shall attempt to accomplish~~
2 ~~the following:~~

3 A. Identify projects that meet the City’s interest and needs for Sustainable Maryland, and work
4 with City Council and City Staff to develop recommendations for Sustainable Maryland action
5 plans; and Assist the Council in the development and improvement of policies and programming
6 that could help the City achieve its sustainability and environmental goals;

7 B. Assist in documenting the necessary information to achieve certification through Sustainable
8 Maryland. Help inspire and lead community efforts and involvement in environmental
9 sustainability and environmental protection and restoration;

10 C. ~~Assist the Council in technical and policy direction and in setting priorities for~~
11 ~~environmental projects;~~

12 D. ~~Help Takoma Park secure and maintain recognition as a leader in sustainability in Maryland;~~

13 E. ~~Work with City staff and serve as a basis of community partnership to advance on~~
14 ~~environmental programs and projects; and~~

15 F. ~~Prepare an annual report to the Council on the activities of the Committee and provide~~
16 ~~additional briefings as needed. (Ord. 2012-37 § 1, 2012/Ord. 2005-9 § 1 (part), 2005)~~

17
18 **Article 4 8. Emergency Preparedness Committee**

19 **2.16.090 Committee established.**

20 ~~The City Council of Takoma Park, Maryland, establishes~~ There is established a Takoma Park
21 Emergency Preparedness Committee.

22 **2.16.100 Statement of purpose.**

23 The purpose of the Emergency Preparedness Committee is to provide community input to and
24 assist in the City’s planning and preparations for emergency operations and to involve residents in
25 providing appropriate assistance during emergency operations. (Ord. 2014-20 § 1, 2014/Ord.
26 2004-31 (part), 2004)

27
28 **2.16.240110 Duties and responsibilities of the Committee. of Emergency Preparedness**
29 **Committee.**

30 The Emergency Preparedness Committee shall assist in:

31 A. Reviewing the City’s Emergency Operations Plan and other supporting emergency
32 documents and recommending changes to the Council and City Manager.

33 B. Identify existing neighborhood and community groups and encourage the formation of
34 volunteer neighborhood emergency teams that can assist their neighbors and/or the City in carrying
35 out emergency activities. Exploring the formation of volunteer neighborhood emergency teams
36 that can assist City departments in carrying out emergency activities when called upon.

37 C. Coordinating with the City, Montgomery County, and other agencies to educate residents

1 on their individual responsibilities in preparing their households for emergencies and providing
2 information on what residents can expect from the City and County during an emergency.

3 ~~D. Collecting and providing, as appropriate,~~ Provide research and data as well as assembled
4 comments on emergency-related events ~~for as directed by~~ the Council.

5 ~~E.— Reporting to the Council on the Committee’s progress six months after the Committee starts
6 operating and every six months thereafter. Each report will provide information on upcoming plans
7 for the Committee along with recommendations for improving the City’s preparedness, if
8 appropriate.—~~

9 E F. Coordinating with Montgomery County to offer and promote ~~citizen~~ **resident** training
10 programs for residents.

11 ~~F G. Identifying and promoting volunteer opportunities during emergency situations to
12 neighborhood safety contacts, citizen patrols, citizen associations, persons who serve or care for
13 special City populations, and other City residents in concert with the agency within Montgomery
14 County that is responsible for volunteers during emergencies.—~~

15 G H. Advising the City on strategies to improve the effectiveness and efficiency of City
16 preparedness activities ~~and its relationship with relevant agencies, organizations, and community
17 groups through the use of exercises or activities and using hazard and vulnerability assessments,
18 with input from relevant agencies, organizations, and community groups.~~

19 H I. Providing opportunities, when appropriate, for Councilmembers to be present during
20 emergency exercises as observers and solicit their feedback after an event.

21 I. The Committee shall work with the City’s Emergency Preparedness Manager when
22 performing its assigned duties and responsibilities. (Ord. 2014-20 § 1, 2014/Ord. 2007-3, 2007:
23 Ord. 2004-31 (part), 2004)

24 **2.16.250120 Membership.**

25 ~~A. The Committee will be composed of up to nine residents appointed by the Council,
26 appropriate senior City staff selected by the City Manager, one member selected by the Public
27 Safety Citizens Advisory Committee (PSCAC), one member selected by the Takoma Park
28 Volunteer Fire Department, one member selected by the Washington Adventist Hospital, and one
29 member selected by the Montgomery County Office of Emergency Management and Homeland
30 Security, and up to nine seven residents (preferably at least one from each ward) appointed by the
31 Council. Appointees should have some professional background in emergency preparedness or
32 operations and be available to perform committee duties when required.~~

33 ~~B.— The Council may, by resolution, appoint up to five additional representative members to
34 serve on the Committee. These members may represent educational institutions, faith
35 communities, businesses or business associations, landlords or managers of multi-unit residential
36 properties in the City, and other appropriate sectors or stakeholders in the community.~~

37 ~~C.— Resident committee members shall serve staggered, three-year terms with initial
38 appointments of one, two and three years. All terms shall begin on April 1st and end on March
39 31st. Mid-term vacancies shall be filled to serve the balance of the unexpired term and, if~~

1 appropriate, extended in accordance with provisions of Section 2.16.010. Other Committee
 2 members will serve as long as determined appropriate by their institution or agency. (Ord. 2014-
 3 20 § 1, 2014/Ord. 2006-2, 2006: Ord. 2005-8, 2005/Ord. 2004-31 (part), 2004)

4 **~~2.16.260~~ — Open meetings requirements.**

5 ~~The Committee shall comply with open meetings requirements as set forth in Takoma Park~~
 6 ~~Administrative Regulation 95-01 and other applicable City regulations/policies, and Federal and~~
 7 ~~State laws. This shall include making prior announcements of all meetings and maintaining and~~
 8 ~~publishing written minutes of all meetings. (Ord. 2014-20 § 1, 2014/Ord. 2004-31 (part), 2004)~~

9 **Article 5 9. Recreation and Community Engagement Committee**

10 **~~2.16.300~~130 Committee established. Establishment of Recreation Committee.**

11 ~~There is established a A Takoma Park Recreation and Community Engagement Committee. is~~
 12 ~~hereby established to advise the City Council on matters pertaining to recreation programming and~~
 13 ~~facilities. (Ord. No. 2008-4, 2-25-08)~~

14 **~~2.16.310~~140 Statement of purpose.**

15 The purpose of the Recreation and Community Engagement Committee shall be as follows:

16 A. To advise the City Council on how best to serve the diverse recreation needs of Takoma
 17 Park residents, including but not limited to reviewing and recommending policies and programs
 18 that concern recreational opportunities within the City, with a special emphasis on youth and
 19 seniors and broad and diverse participation.

20 B. To advise the City Council regarding a range of community needs involving recreation,
 21 health, leisure, education, enrichment programs, and opportunities for social development.

22 C. To identify for the City Council options and opportunities which may benefit the Takoma
 23 Park community by serving those needs.

24 D. To advise the City Council on ways to enhance use of existing City-owned or operated
 25 facilities, including the Community Center, the New Hampshire Avenue Recreation Center,
 26 Heffner Park Community Center, and athletic fields maintained by the City to meet the objectives
 27 set forth in Section 2.16.310(B).

28 E. To advise the City Council of options and opportunities for recreational use of other public
 29 community facilities in the area and to suggest to the Council new facilities which may be needed.
 30 (Ord. No. 2008-4, 2-25-08)

31 **~~2.16.320~~ — Membership, Terms of Office, Structure and Staffing.**

32 ~~A. The Recreation Committee shall consist of seven to 15 Takoma Park residents to be~~
 33 ~~appointed by the City Council. Every effort shall be made to ensure that the membership represents~~
 34 ~~all wards and the diverse populations in Takoma Park.~~

35 ~~B. Committee members shall serve staggered two year terms, with initial appointments of one~~
 36 ~~and two years. Terms shall begin on May 1 and end on April 30.~~

37 ~~C. The Committee shall organize and adopt bylaws and rules of procedure as necessary to~~

1 accomplish its purpose. The Committee shall elect a Chairperson, Vice Chairperson, and any other
2 officers it shall deem necessary. Officers shall serve for a period of one year.

3 D.—The City Manager shall designate a City staff member to serve as liaison to the Committee.

4 E.—To facilitate coordination with other groups, the Recreation Committee shall select from
5 among its membership representatives to serve as non-voting liaisons to the Arts and Humanities
6 Commission, the Public Safety Citizens Advisory Committee, and any other bodies designated by
7 the Committee or the Council. (Ord. No. 2008-4, 2-25-08)

8 **2.16.330 Meetings.**

9 A.—The Recreation Committee shall meet quarterly or as often as necessary to fulfill its
10 responsibilities. The Committee shall establish a regular meeting schedule and prepare minutes of
11 meetings in conformance with the Maryland Open Meetings Act.

12 B.—A majority of members shall constitute a quorum to conduct business. (Ord. No. 2008-4, 2-
13 25-08)

14 **2.16.340150 Duties and responsibilities of the Committee.**

15 A.—The Committee shall prepare an annual report to the Council and may provide additional
16 briefings as needed.

17 B.—The Committee shall conform to other provisions of Article 1, Chapter 2.16 Boards and
18 Commissions, as may be amended from time to time. (Ord. No. 2008-4, 2-25-08)

19 **Article 6. Grants Review Committee**

20 **2.16.160 Committee established.**

21 There is established a Takoma Park Grants Review Committee.

22 **2.16.170 Statement of purpose.**

23 The purpose of the Grants Review Committee is to serve in an official advisory and coordination
24 role to the City Council on all matters related to awarding grants through the Community of Quality
25 of Life Grant Program.

26 **2.16.180 Duties and responsibilities of the Committee.**

27 The Grants Review Committee shall evaluate grant applications based on established program
28 priorities, program guidelines, and available funding and to forward funding recommendations to
29 the City Council for consideration.

30 **Article 7. Youth Council**

31 **2.16.190 Council established.**

32 There is established a Takoma Park Youth Council.

1 **2.16.200 Statement of purpose.**

2 The purpose of the Youth Council is to serve in an official advisory and coordination role to the
3 City Council on all matters related to and of importance to youth.

4 **2.16.210 Duties and responsibilities of the Council.**

5 A. To provide an opportunity for the youth of Takoma Park to acquire a greater knowledge of and
6 appreciation for local government through active participation in the system.

7
8 B. To help the City Council to address and accomplish the goals of this community by working
9 directly with the representatives of youth.

10
11 C. To serve the youth of Takoma Park by: informing the Takoma Park municipal government of
12 the needs and wishes of youth; planning and implementing social, educational, cultural and
13 recreational activities for the youth; working with the Mayor, City Council, City department
14 heads, schools, civic clubs, and service organizations to provide service and leadership
15 opportunities for the youth of the City; and, helping to instill a feeling of positive self-worth
16 and esteem, teaching respect for the rights of others, and promoting community pride.

17 **2.16.220 Membership.**

18 A. The Youth Council shall consist of up to eleven Takoma Park youth appointed by the City
19 Council representing a cross-section of the City's youth.

20
21 B. The Youth Council shall report to the City Council the names of the elected Chairperson and
22 Vice Chairperson.

23
24 C. All members shall be in grade levels 7 through 12, except the Chairperson shall be in the 11th
25 or 12th grade.

26
27 D. The term of each member shall be one year. Members are eligible to reapply annually if they
28 meet member eligibility requirements.

29
30 E. Members must meet the following qualifications:

31
32 1. Remain residents of the City ~~and the ward they may represent;~~

33
34 2. Attend meetings on a regular basis and inform the Youth Council of absences prior to
35 meetings;

36
37 3. Maintain at least a 2.5 grade point average for the current school year;

38
39 4. Fulfill the responsibilities of the office held; and

40
41 5. Set an example for youth in the community.

1
2 F. In addition to other bases for removal set forth in this Chapter, a ~~A~~ member can be removed
3 from the Youth Council if they fail to sustain any of the above qualifications ~~and by a majority~~
4 ~~vote of the members, subject to the approval of the City Council or City Manager.~~

5
6 G. Vacancies shall be filled by the City Council for the remainder of the unexpired term.

7
8 H. Members shall be appointed annually at the start of the school year and shall serve one-year
9 terms.

10
11 **Article 8. Nuclear Free Committee**

12 **2.16.230 Committee established.**

13 There is established a Takoma Park Nuclear Free Committee. Committee members shall have
14 collective experience in the areas of science, research, finance, law, peace and ethics.

15 **2.16.240 Statement of purpose.**

16 The purpose of the Takoma Park Nuclear Free Committee is to fulfill the duties and responsibilities
17 assigned to it by the City Code and to perform such other tasks as Council may direct from time
18 to time.

19 **2.16.250 Duties and responsibilities.**

20 The Committee shall have the following duties and responsibilities:

21 A. The Committee may review any work within the City which it has reason to believe is not
22 in compliance with Section 14.04.040 of ~~this the Takoma Park Nuclear-Free Zone Act.~~ The
23 Committee shall notify the City Council and the City Manager ~~inform appropriate legal authorities~~
24 of a suspected violation of ~~this the Takoma Park Nuclear-Free Zone Act.~~

25 B. The Committee shall review existing City contracts, awards, purchase orders and
26 investments and may review proposed contracts, awards, purchase orders and investments to
27 assure compliance with Sections 14.04.050 and 14.04.060 of ~~this the Takoma Park Nuclear-Free~~
28 ~~Zone Act.~~ If the Committee finds any contracts, awards, purchase orders or investments in
29 violation of ~~this the Takoma Park Nuclear-Free Zone Act,~~ it shall, in conjunction with the City
30 Manager ~~Administrator,~~ make recommendations to the Mayor and Council regarding the existence
31 of reasonable alternatives.

32 C. The Committee, in conjunction with the City Manager ~~Administrator,~~ shall propose a
33 socially responsible investment policy and implementation plan as specified in Section 14.04.050
34 and, upon the adoption of the policy and plan, shall annually thereafter review the investment
35 policy to ensure its conformity to ~~this the Takoma Park Nuclear-Free Zone Act.~~

36 D. The Committee shall, through the collection of materials, newsletter articles, cable
37 television programming, public forums and other means, provide public education and information
38 on issues related to the intent and purpose of ~~this the Takoma Park Nuclear-Free Zone Act.~~ In
39 performing this task, the Committee shall cooperate with City staff, the Nuclear Freeze Task Force

1 and other interested community groups and individuals.

2 E. The Committee shall maintain a collection of current materials concerning the production
3 of nuclear weapons and the components thereof and the transportation of high-level nuclear waste
4 resulting from the production of nuclear weapons and nuclear energy. From this information and
5 from consultations with individuals and organizations involved in the nuclear weapons and nuclear
6 energy debate, the Committee shall annually prepare and report to the City Council a list of nuclear
7 weapons producers to guide the City, its officials, staff and agents in the implementation of
8 Sections 14.04.050 and 14.04.060 of **this the Takoma Park Nuclear-Free Zone** Act. The Committee
9 shall also make recommendations to the City Council from this information and from consultations
10 with individuals and organizations involved in the transportation of high-level nuclear waste on
11 how best to promote the safety and welfare of the City from harmful exposure to high-level nuclear
12 waste.

13 F. Before a waiver of the provisions of Sections 14.04.060(A), (B) or (C) ~~above~~ pursuant to
14 Section 14.04.060(F) may be sought, the Committee, in conjunction with the City Manager
15 ~~Administrator~~ or his or her designee, shall conduct a diligent search to determine the availability
16 of reasonable alternative sources for a necessary product or service, except, however, the City
17 Manager ~~Administrator~~ or his or her designee and/or the Committee's unwillingness or inability
18 to conduct such a search shall not preclude actions by the Mayor and Council pursuant to Section
19 14.04.060(F). (Ord. 2005-29 (part), 2005/prior code § 8A-12)
20

1 **SECTION 2.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 2.17 be enacted as follows:

3
4 **Chapter 2.17**

- 5
- 6 2.17.010 Boards and Commissions.
- 7 2.17.020 Boards and Commissions, generally.
- 8 2.17.025 Interpretation of Chapter 2.17.
- 9

10 **Boards and Commissions**

11

12 **2.17.010 Boards and Commissions.**

13 The City has established the following Boards and Commissions elsewhere in the City Code:

| <u>Board or Commission</u> | <u>Term Length</u> <u>(Years)</u> | <u>Expiration</u> |
|---|--|--------------------------|
| <u>Ethics Commission</u> <u>(Section 3.04.050 et seq.)</u> | <u>3</u> | <u>June 30</u> |
| <u>Board of Elections</u> <u>(Section 5.24.020 et seq.)</u> | <u>3</u> | <u>June 30</u> |
| <u>Commission on Landlord-Tenant</u> <u>Affairs (Section 6.24.010 et seq.)</u> | <u>3</u> | <u>June 30</u> |
| <u>Tree Commission (Section</u> <u>12.04.030 et seq.)</u> | <u>3</u> | <u>June 30</u> |
| <u>Noise Control Board (Section</u> <u>14.12.140)</u> | <u>3</u> | <u>June 30</u> |

16

17 **2.17.020 Boards and Commissions, generally.**

- 18 A. Boards and commissions are charged with the duties assigned to them in the City Code.
- 19
- 20 B. The authority of such entities is limited to that extended to it by the City Code and other
- 21 applicable law.
- 22

1 C. Each board and commission are required to report the status of its work annually or at the
2 request of City Council.

3
4 D. Membership of boards and commissions shall be in accordance with the provisions of this
5 section unless otherwise provided by City Code.

6
7 1. Unless provided otherwise in the applicable section of the City Code, only City residents
8 may serve on boards and commissions.

9
10 2. Members of a board or commission may apply to serve and shall be confirmed and
11 appointed by a majority vote of City Council.

12
13 3. Beginning in 2021, the initial terms for one-third of a board or commission's members will
14 end on June 30, 2022, one-third of the members will expire on June 30, 2023, and one-third
15 will expire on June 30, 2024. In the event that the membership of board or commission is not
16 evenly divisible by three when creating the staggered terms, the appointments shall be evenly
17 distributed in the one year and two year staggered terms. The three year staggered term shall
18 contain the odd number of appointments.

19
20 4. After the initial terms have expired, all terms of office will be staggered three-year terms.
21 Said terms shall begin on July 1st and end June 30th.

22
23 5. Vacancies may be filled by the Council for the remainder of any unexpired term.

24
25 D. Organization.

26
27 1. Each board or commission shall consist of the number of members stated in the provisions
28 of the City Code establishing each board or commission.

29
30 2. Each board and commission shall operate under a set of rules of procedure necessary to
31 accomplish its purposes, which shall be provided by the board or commission to Council for
32 review by the City Attorney periodically, but not less than every five years.

33
34 E. Meetings.

35
36 1. Boards and commissions shall meet at least once every quarter or as often as required to
37 fulfill their purposes.

38
39 2. All meetings shall be open to the public and are subject to the Maryland Open Meetings
40 Act unless otherwise permitted or required by applicable law. Meeting notices and agendas
41 shall be prepared and submitted to the City Clerk and posted in advance of any meeting in
42 accordance with State law. Written records of proceedings and attendance shall be maintained
43 by the board or commission and provided to the City Clerk for safe keeping. A report on the
44 activities of each entity shall be submitted to the City Council once per year and as directed by
45 Council.

1 **SECTION 3.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 3.04 be amended as follows:

3 **Chapter 3.04**
4 **Ethics**

5 * * *

6
7
8 **3.04.050 Ethics Commission.**

9 A. There shall be a City Ethics Commission, which is composed of up to seven members
10 appointed by the Council. The Commission shall have the following responsibilities:

- 11 1. To devise, receive, and maintain all forms generated by this chapter.
- 12 2. To provide, at the request of any person concerning the application of this chapter to an
13 actual situation or one seriously contemplated, written advisory opinions. The Commission
14 shall respond promptly to these requests, providing interpretations of this chapter based on the
15 facts provided or reasonably available to it. The Commission shall, to the extent practicable,
16 publish its advisory opinions with any information that would identify the subject of the
17 opinion deleted. The publication of advisory opinions shall include the publication of a
18 summary of the advisory opinion in the City Newsletter and the posting of the advisory opinion
19 on the City's website.
- 20 3. To investigate, hear, and decide any inquiry or complaint filed by any person regarding
21 an alleged or potential violation of this chapter. The Commission has the power of subpoena
22 to require the attendance of persons and the production of documents. If any person refuses to
23 comply with a subpoena of the Commission, the Commission may initiate a suit in equity in
24 the Circuit Court to enforce compliance with the subpoena.
- 25 4. To conduct a public information program regarding the purposes and application of this
26 chapter.
- 27 5. To recommend legislative changes and improvements to this chapter, including such
28 changes as are necessary to maintain compliance with the requirements of State Government
29 Article, Title 15, Subtitle 8, of the Annotated Code of Maryland.
- 30 6. To promulgate regulations to accompany this chapter.
- 31 7. To certify to the State Ethics Commission on or before October 1st of each year that the
32 City is in compliance with the requirements for elected local officials of State Government
33 Article, Title 15, Subtitle 8, of the Annotated Code of Maryland.

34 B. The members of the Commission are appointed to staggered three ~~two~~-year terms and may
35 only be removed by the Council for cause. "Cause" includes neglect of duty, misconduct in office,
36 a disability rendering the member unable to discharge the powers and duties of the office or a
37 violation of this chapter. ~~Initially, three members are appointed to one year terms and two~~
38 ~~members to two-year terms. The terms begin on October 1st and end on September 30th.~~ Any
39 vacancy occurring on the Commission is filled for the unexpired term in the same manner as

1 provided for appointments to the Commission. Commission members shall not serve past the
2 expiration date of their term.

3 C. Consistent with the provisions of State and City laws and ordinances, the Commission shall
4 operate under Robert's Rules of Order or such rules as it may promulgate.

5 D. Its members shall take an oath of office.

6 E. The Commission may establish three-member review panels to investigate and adjudicate
7 inquiries and complaints or respond to requests for advisory opinions.

8 F. Each year the Commission shall elect one of its members as Chair and one of its members
9 as Vice Chair. The Chair shall preside over meetings, assign members to such review panels as
10 may be established and carry out other duties as may be established in the Commission's rules.
11 The Vice Chair shall act as Chair in the absence of the Chair.

12 G. Its members are authorized to administer oaths.

13 H. The City Manager shall make available to the Commission such staff assistance as may be
14 needed and shall provide appropriate space and security for Commission records.

15 I. Except as prohibited in Section 3.04.060(M), the City Attorney shall assist the Commission
16 in carrying out its responsibilities at the Commission's discretion. (Ord. 2012-36, 2012/Ord. 2003-
17 41 (part), 2003)

18 * * *

19

20

1 **SECTION 4.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 4.04 be amended as follows:

3 **Chapter 4.04**

4 **CIVIL SERVICE**

5 Sections:

6 Article 1. Administration

- 7 4.04.010 Purpose.
- 8 4.04.020 Repealed.
- 9 4.04.030 Responsibilities of personnel officer.
- 10 4.04.040 Responsibilities of employee.
- 11 4.04.050 Applicability of regulations.
- 12 4.04.060 Repealed.
- 13 4.04.070 Merit principles.

14 Article 2. Definitions

- 15 4.04.080 Terms defined.

16 Article 3. Conduct of Employees

- 17 4.04.090 General policy.
- 18 4.04.100 Business activities and solicitation.
- 19 4.04.110 Outside employment.
- 20 4.04.120 Privileged information.
- 21 4.04.130 Political activity.

22 Article 4. Classified System

- 23 4.04.140 Overview of compensation.
- 24 4.04.150 Creation and abolition of positions.
- 25 4.04.160 Position classification plan.
- 26 4.04.170 Allocation of positions to classes.
- 27 4.04.180 Class specifications.
- 28 4.04.190 Amendments to position classification plan.
- 29 4.04.200 Reclassifications.
- 30 4.04.210 Assigning class to pay grade.
- 31 4.04.220 Contents, preparation and adoption of pay plan.
- 32 4.04.230 Pay period.
- 33 4.04.240 Determination of pay increases.
- 34 4.04.250 Salary rates for reallocations, promotions and demotions.
- 35 4.04.260 Salary rates for transfers.
- 36 4.04.270 Compensation for new employees.
- 37 4.04.280 Overtime.

1 Article 5. (Reserved)

2 Article 6. Attendance and Leave

- 3 4.04.290 Authorized leave.
- 4 4.04.300 Requests for leave.
- 5 4.04.310 Accounting responsibilities and procedures.
- 6 4.04.320 Holiday leave.
- 7 4.04.330 Annual leave.
- 8 4.04.340 Sick leave.
- 9 4.04.350 Compensatory leave.
- 10 4.04.360 Injury leave.
- 11 4.04.370 Military leave.
- 12 4.04.380 Maternity leave.
- 13 4.04.390 Bereavement leave.
- 14 4.04.400 Jury leave.
- 15 4.04.410 Civic duties.

16 Article 7. Selection and Appointment of Employees

- 17 4.04.420 Recruitment.
- 18 4.04.430 Qualification requirements.
- 19 4.04.440 Applications.
- 20 4.04.450 Examinations.
- 21 4.04.460 Appointment.

22 Article 8. Probationary Period

- 23 4.04.470 Purpose.
- 24 4.04.480 Duration.
- 25 4.04.490 Expiration.

26 Article 9. Promotions, Transfers, Resignations, Layoffs, Demotions

- 27 4.04.500 Seniority.
- 28 4.04.510 Break in employment.
- 29 4.04.520 Promotion policy.
- 30 4.04.530 Demotion.
- 31 4.04.540 Transfer.
- 32 4.04.550 Resignation.
- 33 4.04.560 Layoffs.

34 Article 10. Employee Performance Evaluation

- 35 4.04.570 Purpose.
- 36 4.04.580 Maintenance of system.
- 37 4.04.590 Procedure.
- 38 4.04.600 Evaluation results and consequences.

1 Article 11. Disciplinary Actions and Dismissal

- 2 4.04.610 Responsibility—Applicability to police.
- 3 4.04.620 Types of disciplinary action—Severity.
- 4 4.04.630 Reasons for disciplinary action.
- 5 4.04.640 Reprimand procedures.
- 6 4.04.650 Disciplinary probation.
- 7 4.04.660 Expiration of disciplinary probation
- 8 4.04.670 Suspension.
- 9 4.04.680 Dismissal.

10 Article 12. Employee Development

- 11 4.04.690 Purpose.
- 12 4.04.700 Responsibility.
- 13 4.04.710 Payment for non-city provided training programs.
- 14 4.04.720 Higher education program.
- 15 4.04.730 Salary adjustments.

16 Article 13. Fringe Benefits

- 17 4.04.740 Hospitalization.
- 18 4.04.750 Life insurance.
- 19 4.04.760 Hours.
- 20 4.04.770 State retirement.

21 Article 14. Grievance Procedure

- 22 4.04.780 Rights of employees.
- 23 4.04.790 Procedure.

24 ~~Article 15. Personnel Appeal Board~~

- 25 ~~4.04.800—Establishment and composition.~~
- 26 ~~4.04.810—Meetings.~~
- 27 ~~4.04.820—Authority.~~

28 * * *

29 **Article 14. Grievance Procedure**

30 **4.04.780 Rights of employees.**

31 A. Any employee occupying a permanent position, who feels that he or she has received
32 inequitable treatment through some personnel action, shall have the right to appeal, either
33 personally or through a representative, for relief from the personnel action. Except as provided in
34 subsections (B) and (C) of this section, no issue involving a change in the pay plan, a policy
35 prerogative of the Council or any other issue which does not have a direct impact upon the day-to-
36 day working conditions of the employee or relations with a supervisor shall be considered relevant.
37 Consequently, these issues shall not be addressed through this grievance procedure.

1 B. An employee may appeal a decision involving:

- 2 1. The description of the employee's position;
- 3 2. The assignment of an employee to a specified position; and
- 4 3. The allocation of the employee's position to a specific class.

5 C. An employee has no right of appeal if the employee is not satisfied with the grade to which
6 the Mayor and Council have assigned the employee's class. However, the employee does have the
7 right to ask the Council to reconsider its decision. The employee should notify the City Manager
8 that the employee is asking the Mayor and Council to reconsider, so that the personnel officer can
9 make the recommendation required by Section 4.04.210(A).

10 D. An employee must file a grievance under subsection (A) or (B) of this section within 15
11 days after a decision has been made and the employee has been informed. After 15 days, the
12 employee loses the right to appeal.

13 E. If an official fails to reach a decision on a grievance or appeal within the time provided, the
14 employee may appeal as if the grievance or appeal had been denied. However, if the final authority
15 fails to reach a decision within the time provided, it is not a denial. The employee must wait for a
16 decision. (Prior code § 8B-179)

17 **4.04.790 Procedure.**

18 A. Except for grievances listed in Section 4.04.780(B) or (C) and grievances involving
19 dismissal from employment, all grievances shall be handled in accordance with the grievance
20 procedure in this subsection. The procedure to settle grievances shall be as follows:

21 1. Step 1. The employee shall first present his or her grievance to the department head who
22 shall make every effort to dispose of the matter forthwith. If the issue cannot be resolved
23 immediately, the employee shall return to work and await the department head's written
24 decision. The department head shall render such decision within 7 days upon receipt of the
25 grievance and make copies of the decision available to the personnel officer. Should the
26 decision be unacceptable to the employee, the employee may proceed with the grievance
27 procedure.

28 2. Step 2. Should the employee elect to exercise his or her right to proceed with the
29 grievance procedure, he or she shall petition the City Manager in writing requesting a review
30 of the case. Such request shall contain a list of the particular grievance(s). The City Manager
31 shall have 14 days to reach a decision concerning the grievance. The City Manager shall
32 consider all aspects surrounding the grievance, solicit informal testimony from the involved
33 parties and reduce to writing the outcome of the City Manager's deliberations. Copies of the
34 City Manager's decision shall be given to the department head and the employee. The
35 decision of the City Manager is final.

36 ~~3. Step 3. Should the employee receive an unacceptable decision, he or she may petition~~
37 ~~the City Administrator in writing requesting assemblage of the Personnel Appeal Board. The~~
38 ~~City Administrator shall promptly notify the Chairperson of the Personnel Appeal Board to~~
39 ~~convene for the purpose of adjudication. The Board shall hear all facts pertaining to the case~~

1 ~~but shall be informal in its conduct. The Board shall convene, hear testimony and reach a~~
2 ~~decision within 21 days upon receipt of the employee's request to convene the Board. The~~
3 ~~Board shall vote on the grievance and reduce to writing its decision. The decision rendered by~~
4 ~~the Board shall be final and binding.~~

5 B. The following are the procedures for an employee to appeal a decision listed in Section
6 4.04.780(B):

7 1. Description of an Employee's Position.

8 a. If an employee is not satisfied that the job description for the employee's position is
9 accurate or opposes a proposed change, the employee should discuss the matter with the
10 employee's supervisor and department head. Then, the employee should submit a written
11 memorandum to the City Manager justifying or critiquing any proposed changes. The City
12 Manager must respond in writing to the employee within 14 days. The decision of the
13 City Manager is final.

14 ~~b. If the employee is not satisfied with the response of the City Administrator, the~~
15 ~~employee may make a written demand that the Personnel Appeal Board convene to hear~~
16 ~~the employee's appeal.~~

17 ~~c. The Personnel Appeal Board must convene within 21 days and issue a decision~~
18 ~~within 21 days after it convenes. The decision of the Personnel Appeal Board is final.~~

19 2. Assignment of an Employee to a Specific Position.

20 a. If an employee believes that the employee is doing the work of a position that the
21 employee is not in, the employee may submit a written request to the department head that
22 the employee be placed in the different position. The department head must respond in
23 writing within 7 days.

24 b. If the employee is not satisfied with the decision of the department head, the
25 employee may submit a written appeal to the City Manager within 14 days after the
26 response of the department head is received or a response is due. The written appeal must
27 justify the change on the basis of the job descriptions of the 2 positions. The City Manager
28 must respond within 14 days. The decision of the City Manager is final.

29
30 ~~e. If the employee is not satisfied with the decision of the City Administrator, the~~
31 ~~employee may make a written demand that the Personnel Appeal Board convene to hear~~
32 ~~the employee's appeal.~~

33 ~~d. The Personnel Appeal Board must convene within 21 days and issue a written~~
34 ~~decision within 21 days after it convenes. The decision of the Personnel Appeal Board is~~
35 ~~final.~~

36 3. Allocation of an Employee's Position to a Specific Class.

37 a. If an employee is not satisfied with the class that the employee's position is allocated

1 to, the employee should submit a written justification for a change to the department head.
2 The written justification must be based on the job description of the employee's position
3 and the class specifications for both the employee's current class and for the class which
4 the employee maintains is more appropriate. The department head must respond to the
5 employee in writing within 14 days.

6 b. If the employee is not satisfied with the response of the department head, the
7 employee may submit a written appeal to the City Manager within 14 days after the
8 response of the department head is received or a response is due. The City Manager must
9 respond within 14 days. The decision of the City Manager is final.

10 ~~e.—The employee may make a written demand that the Personnel Appeal Board convene~~
11 ~~to hear the employee's appeal if the employee is not satisfied with the decision of the City~~
12 ~~Administrator, or if the City Administrator disapproves an allocation to a different class~~
13 ~~than the department head has approved.~~

14 ~~d.—The Personnel Appeal Board must convene within 21 days and issue a decision~~
15 ~~within 21 days after it convenes. The decision of the Personnel Appeal Board is final.~~

16 C. The following are the procedures for a non-probationary employee to appeal a decision to
17 dismiss the employee:

18 1. The employee must ask the department head in writing to change the recommendation
19 to dismiss the employee under Section 4.04.680. The employee must state reasons for
20 changing the recommendation and offer any relevant evidence. The department head must
21 send a written decision on this request to the employee and the City Manager within 7 days.

22 2. Within 7 days after receiving the written decision of the department head, the employee
23 must ask the City Manager in writing to reverse the decision to dismiss the employee under
24 Section 4.04.680. The employee must state reasons for reversing the decision and offer any
25 relevant evidence. The City Manager must issue a written decision within 21 days. The
26 decision of the City Manager is final.

27 ~~3.—If the City Administrator does not reverse the decision to dismiss, the employee may~~
28 ~~make a written demand to convene the Personnel Appeal Board to hear the employee's appeal~~
29 ~~of the decision to dismiss. (Prior code § 8B-180)~~

30 **Article 15. Personnel Appeal Board**

31 **~~4.04.800—Establishment and composition.~~**

32 ~~A.—There shall be a Personnel Appeal Board composed of 5 members who are residents of the~~
33 ~~City.~~

34 ~~B.—Except for the initial appointments, the City Council shall appoint the members for terms of~~
35 ~~3 years. Initially, the City Council shall appoint one member for a term of one year, 2 members~~
36 ~~for a term of 2 years and 2 members for a term of 3 years. The terms shall begin on April 1st and~~
37 ~~end on March 31st. Any member appointed to fill a vacancy occurring prior to the expiration of a~~
38 ~~term shall be appointed only for the remainder of that term. (Prior code § 8B-181)~~

1 **4.04.810 — Meetings.**

2 A. ~~The Board shall meet for the purpose of organization subsequent to appointment or~~
3 ~~reappointment of a member. At this organization meeting, the Board shall elect a Chairperson and~~
4 ~~Vice Chairperson for the ensuing year. All other meetings shall be held for the purpose of hearing~~
5 ~~employee appeals and shall be called by the Chairperson upon receipt of proper notification to~~
6 ~~convene. A quorum of the Board is 3 members.~~

7 **B. ~~3 Member Panels.~~**

8 1. ~~The Chairperson of the Board is authorized to designate 3 members of the Board to sit~~
9 ~~as a panel to conduct a hearing on any complaint pending before the Board. The Chairperson~~
10 ~~shall designate one panel member to serve as the panel's presiding officer. The Chairperson~~
11 ~~of the Board will endeavor to rotate panel membership from time to time among members of~~
12 ~~the Board.~~

13 2. ~~In the event that any matter is heard by a Commission panel designated pursuant to this~~
14 ~~subsection, all panel members so designated must be present to conduct the hearing and all~~
15 ~~official action by the panel shall be taken by the vote of not fewer than 2 members of the panel.~~
16 ~~(Prior code § 8B-182)~~

17 **4.04.820 — Authority.**

18 A. ~~The Board shall be the final arbiter in all cases brought before it.~~

19 B. ~~The Board only has the authority to hear employee grievance appeals if this chapter~~
20 ~~specifically authorizes the Board to rule on the appeal. (Prior code § 8B-183)~~

21 * * *

22

1 **SECTION 5.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 8.04 be repealed in its entirety
3 as follows:

4 **Chapter 8.40**

5
6 **COMMERCIAL DISTRICT FACADE REGULATIONS**

7 Sections:

8 **Article 1. Facade Advisory Board**

9 ~~8.40.010 — Purpose.~~

10 ~~8.40.020 — Members.~~

11 ~~8.40.030 — Support staff.~~

12 ~~8.40.040 — Meetings.~~

13 ~~8.40.050 — Duties.~~

14 **Article 2. Standards**

15 ~~8.40.060 — County regulations.~~

16 ~~8.40.070 — City standards — Applicability.~~

17 ~~8.40.080 — City standards — Intent — Review~~

18 ~~8.40.090 — Roofs.~~

19 ~~8.40.100 — Exterior walls.~~

20 ~~8.40.110 — Architectural details.~~

21 ~~8.40.120 — Signs.~~

22 ~~8.40.130 — Lighting.~~

23 ~~8.40.140 — Rear and side yards.~~

24 ~~8.40.150 — New buildings.~~

25 ~~8.40.160 — Compliance procedures.~~

26 **Article 1. Facade Advisory Board**

27 **~~8.40.010 — Purpose.~~**

28 ~~The Facade Advisory Board (FAB) is established as an advisory panel to:~~

29 ~~A. — Help ensure that facade designs and their maintenance are harmonious and consistent with~~
30 ~~the intended quality and character of the commercial areas of Takoma Park;~~

31 ~~B. — Provide guidance and assistance to commercial building and business owners seeking~~
32 ~~permits for facade alterations, signs, and new construction work;~~

33 ~~C. — Coordinate with and advise the City of Takoma Park Code Enforcement Department;~~

34 ~~D. — Inform citizens and business owners of the historic district benefits and requirements and~~
35 ~~to continue coordinating with the Montgomery County Historic Preservation Commission and~~
36 ~~the Montgomery County Department of Fire and Rescue Services — Code Enforcement (MCFD)—~~
37 ~~regarding necessary approvals. (Ord. 1999 43 § 1A, 1999)~~

1 **8.40.020—Members.**

2 A.—~~The FAB shall consist of seven voting members.~~

3 1.—~~At least two members shall be professional such as architects, planners, and/or~~
4 ~~historians.~~

5 2.—~~At least two members shall be building or business owners located or doing business in~~
6 ~~the Takoma Old Town and Takoma Junction commercial areas as defined in Section~~
7 ~~8.40.070.~~

8 3.—~~One member shall represent Historic Takoma, Inc. The Board of Historic Takoma, Inc.~~
9 ~~shall select from among its membership for consideration by the City Council, two~~
10 ~~representatives, one of which may be appointed to serve as a voting member of the FAB, the~~
11 ~~other to serve as an alternate.~~

12 B.—~~Members shall be nominated and appointed by the City Council.~~

13 1.—~~The seven members shall serve staggered three year terms, with initial appointments of~~
14 ~~one, two and three years. The terms shall begin on April 1st and end on March 31st.~~

15 2.—~~Historic Takoma, Inc. representatives shall serve for one year.~~

16 3.—~~No member, with the exception of the member representing Historic Takoma, Inc.,~~
17 ~~shall serve for more than two consecutive terms.~~

18 ~~The members representing Historic Takoma, Inc. may serve for an unlimited number of one-~~
19 ~~year terms.~~

20 C.—~~The initial term of a member appointed to replace a member who cannot complete his or~~
21 ~~her term shall be for the remainder of that member's term.~~

22 D.—~~A member, whose term expires, may upon a majority vote of the remaining members,~~
23 ~~continue as a voting member on pending cases which were ongoing prior to the completion of~~
24 ~~their term.~~

25 E.—~~The City Administrator may remove a member before their term has expired if the member~~
26 ~~has become incapacitated, has failed to reasonably perform his or her duties, or has missed 3~~
27 ~~consecutive meetings.~~

28 F.—~~The FAB shall elect a Chairperson and a Vice Chairperson. (Ord. 2004-20, 2004/Ord.~~
29 ~~2002-7 (part), 2002/Ord. 1999-43 § 1B, 1999)~~

30 **8.40.030—Support staff.**

31 ~~The City Administrator shall assign City staff familiar with building code and historic-~~
32 ~~preservation policies and procedures in Takoma Park, Montgomery County, and the State of~~
33 ~~Maryland to support the FAB. (Ord. 1999-43 § 1C, 1999)~~

34 **8.40.040—Meetings.**

35 A.—~~The FAB shall convene as frequently as may be reasonably required to perform its duties-~~
36 ~~and may operate under a quorum of at least 3 voting members.~~

1 ~~B.—The FAB shall establish a regular monthly meeting date, time and place which shall be~~
 2 ~~published, along with the name and phone number of the City staff person to contact for placing~~
 3 ~~items on the agenda.~~

4 ~~C.—The City staff will consult with the Chairperson and prepare and distribute an agenda and~~
 5 ~~supporting materials to the members at least 7 days in advance of each regularly scheduled~~
 6 ~~meeting date.~~

7 ~~D.—If there are no agenda items, the Chairperson may cancel the regularly scheduled meeting~~
 8 ~~and have the City staff person(s) notify the Board members.~~

9 ~~E.—An emergency meeting may be convened by the Chairperson by providing written notice~~
 10 ~~to each member at least 7 days prior with supporting materials and an explanation of the nature~~
 11 ~~and need of the meeting.~~

12 ~~F.—The FAB shall meet at least every 6 months to evaluate process. (Ord. 1999 43 § 1D,~~
 13 ~~1999)~~

14 **8.40.050 — Duties.**

15 ~~A.—The FAB shall advise commercial building and business owners of the provisions of this~~
 16 ~~chapter and available financial resources.~~

17 ~~B.—The FAB may make recommendations to Montgomery County Historic Preservation~~
 18 ~~Commission regarding facade, sign, and similar architectural and planning related issues.~~

19 ~~C.—The City Administrator (or his or her appointed designee), in conjunction and with the~~
 20 ~~FAB, shall implement, enforce and routinely update the City Standards described in Article 2 of~~
 21 ~~this chapter.~~

22 ~~D.—Members may advise and comment on, but shall recuse themselves from voting, issues~~
 23 ~~affecting properties in which they have any direct financial interest.~~

24 ~~E.—The City staff will be responsible for managing administrative functions of the FAB,~~
 25 ~~assisting applicants in preparing presentations to the FAB, preparing agendas, and preparing~~
 26 ~~reports for the FAB. (Ord. 1999 43 § 1E, 1999)~~

27 **Article 2. Standards**

28 **8.40.060 — County regulations.**

29 ~~A.—Montgomery County standards and regulations shall apply within all commercial areas of~~
 30 ~~Takoma Park including:~~

31 ~~1.—Building Code regulations (latest version).~~

32 ~~2.—Sign Ordinance Article 59-F of the Montgomery County Code (latest version).~~

33 ~~B.—The following Takoma Park City Codes shall apply: Chapter 6.12, Property Maintenance~~
 34 ~~Code and Section 10.16.020 of this code.~~

35 ~~(Editorially amended during 2003 codification: Ord. 1999 43 § 2A, 1999)~~

1 **8.40.070—City standards—Applicability.**

2 A.—The City Standards for design set forth in Section 8.40.080 and in subsequent sections
3 shall apply to the following areas upon adoption of such Standards by the Montgomery County
4 Historic Preservation Commission:

5 1.—Takoma Old Town: All commercial properties located on Laurel Avenue and Carroll
6 Avenue (MD 195), between Eastern Avenue and Columbia Avenue;

7 2.—Takoma Junction: All commercial properties located on Carroll Avenue (MD 195) and
8 Ethan Allen Avenue (MD 410) between Philadelphia Avenue (MD 410), Lee Avenue, and
9 Sycamore Avenue;

10 3.—All other commercial properties in the City on a voluntary basis only.

11 B.—The City Standards for maintenance set forth in Section 8.40.080 and in subsequent
12 sections shall apply to all commercial properties in Takoma Park. (Ord. 1999-43 § 2B, 1999)

13 **8.40.080—City standards—Intent—Review.**

14 A.—These City Standards are intended to promote and enhance the unique character of
15 Takoma Park; to help provide and maintain economically viable, attractive and convenient
16 business districts; to protect and enhance property values; to cultivate and maintain a positive
17 visual image; to assist in disseminating knowledge regarding redevelopment funds; and to
18 promote the public welfare.

19 B.—The City Standards shall to the maximum practical extent, clearly differentiate between
20 issues such as maintenance/new construction/alterations, historic/non-historic,
21 requirements/recommendations, and City/County permits.

22 C.—The City Standards should be reviewed and updated, as necessary, through a public
23 hearing process at least once every 3 years by the City Council with the advice and assistance of
24 the FAB. (Ord. 1999-43 § 2C, 1999)

25 **8.40.090—Roofs.**

26 A.—Design (Materials/Modifications).

27 1.—Roof shapes, materials and colors shall be compatible with the historic nature (if
28 applicable) and character of the building and neighborhood.

29 2.—Skylights and solar collectors (if used) shall be aesthetically integrated into the roof
30 profile and coordinated with roofing materials and finishes.

31 3.—Rooftop mechanical equipment, antennas, satellite dishes and similar elements shall
32 not be permitted to be in view of the public right-of-way. When it is necessary to be located
33 within a viewable area, such items shall be screened in a manner that is compatible with the
34 roof profile and materials.

35 4.—Extraneous and unused elements, including but not limited to signs, equipment, and
36 billboards, shall be prohibited.

37 B.—Maintenance. Roofing materials, chimneys and other auxiliary structures shall be kept in a

1 ~~good state of repair and appearance. (Ord. 1999 43 § 2D, 1999)~~

2 **8.40.100 — Exterior walls.**

3 A. — ~~Design (Modifications/Replacement).~~

4 1. — ~~All elements of building facades shall be compatible with the original materials and~~
5 ~~construction of the building.~~

6 2. — ~~Brick, stone, and other masonry surfaces shall be cleaned in the gentlest manner~~
7 ~~possible, repaired, and repointed as required and preserved in their original color and texture.~~

8 3. — ~~Stucco surfaces shall have a similar texture to the original or remaining existing~~
9 ~~surfaces.~~

10 4. — ~~Exterior finishes and colors shall be compatible with neighboring structures.~~

11 5. — ~~Plywood and/or asphalt shingle siding shall not be permitted.~~

12 6. — ~~Window/through wall type air conditioning units if used, shall be harmonious with the~~
13 ~~facade and shall not interfere with or be hazardous to pedestrian circulation and shall not~~
14 ~~drain to the sidewalk.~~

15 7. — ~~Vinyl gutter and down spouts are permitted.~~

16 8. — ~~Miscellaneous elements which are not of historic value such as empty electrical boxes,~~
17 ~~conduits, pipes, unused sign brackets, and alarm units shall be removed.~~

18 B. — ~~Maintenance.~~

19 1. — ~~All exterior facade materials shall be maintained in sound and attractive condition.~~

20 2. — ~~Rotten, broken, or otherwise deteriorated materials shall be repaired or replaced in~~
21 ~~kind.~~

22 3. — ~~Peeling and/or chalking painted surfaces shall be repainted or otherwise refinished in a~~
23 ~~manner aesthetically compatible with their location.~~

24 4. — ~~Gutters and down spouts shall be kept securely attached. (Ord. 1999 43 § 2E, 1999)~~

25 **8.40.110 — Architectural details.**

26 A. — ~~Design (Modifications/Replacement).~~

27 1. — ~~Cornices shall be restored or replaced to be compatible with their original historic~~
28 ~~design of the building as part of any substantial facade renovation work.~~

29 2. — ~~Signs covering building cornices shall be removed and the cornice repaired and~~
30 ~~restored.~~

31 3. — ~~Lintels, arch work, and sills over windows shall be preserved, restored or replaced in a~~
32 ~~style compatible with the original construction.~~

1 ~~4.—Windows shall be of matching or otherwise compatible design and material and shall~~
2 ~~be of the same height and width as existed in the original construction. Vinyl-clad wood or~~
3 ~~metal or other weather resistant materials may be considered.~~

4 ~~5.—Ornamental window grilles or balconettes may be incorporated as decorative or~~
5 ~~security devices.~~

6 ~~6.—Boarding or filling in windows on street front and side facades shall be prohibited.~~

7 ~~7.—Windows facing alleys or yards may be closed with materials and a design that~~
8 ~~matches or are compatible with the surrounding materials and finishes.~~

9 ~~8.—Textured or colored glass and ribbed or patterned metal shall not be permitted as~~
10 ~~replacement materials for shopfront windows.~~

11 ~~9.—Non-metal security grilles, screens, and mesh wire shall be prohibited.~~

12 ~~10.—Public entry doors, including stoops and approaches shall be accessible to persons~~
13 ~~with disabilities to the maximum extent practical without being detrimental to the historical~~
14 ~~value of the property.~~

15 ~~11.—Doorway steps, stoops, or ramps shall be compatible with the original design of the~~
16 ~~building. Where there are more than 2 risers, railings shall be installed.~~

17 ~~12.—Rigid fixed awnings, canopies, and similar overhangs for weather protection and~~
18 ~~compatible with the building design are permitted over the first floor and on upper floor~~
19 ~~windows and entrances. Wooden shingle mansard type awnings are prohibited. Cloth~~
20 ~~awnings shall be made with fire retardant material.~~

21 ~~13.—First floor awnings shall terminate not higher than 6" below the second floor window~~
22 ~~sill. The front valance of awnings shall not exceed one foot in depth. Signs, symbols or other~~
23 ~~designs compatible with the facade and in conformance with sign requirements are permitted~~
24 ~~on awnings.~~

25 ~~B.—Maintenance.~~

26 ~~1.—Cornices shall be structurally sound. Rotted or weakened portions shall be repaired or~~
27 ~~replaced. All exposed wood shall be painted or otherwise finished.~~

28 ~~2.—Windows must be tight fitting. Rotted, broken, loose or otherwise deteriorated or~~
29 ~~damaged sashes, window panes, mullions, and muntins shall be repaired or replaced in kind.~~
30 ~~All exposed wood shall be painted or otherwise finished.~~

31 ~~3.—Faded, peeling or similarly deteriorated awnings shall be removed, replaced, or~~
32 ~~repaired.~~

33 ~~4.—Extraneous and/or unused hardware, signs, and equipment shall be removed.~~

34 ~~5.—Broken, rotten, or damaged elements shall be removed, replaced or repaired.~~

1 6.— Security grilles shall be free of rust, peeling paint or other unsightly appearance.

2 7.— Solid or other similarly permanently enclosed, covered or painted shopfront windows—
3 shall not be permitted.

4 8.— Vending machines located within 25' of the sidewalk shall be screened from view.—
5 (Ord. 1999-43 § 2F, 1999)

6 **8.40.120 — Signs.**

7 A.— Design Standards for Modification or Construction of New or Replacement Signage.

8 1.— Zoning Regulations. All permanent and temporary signage shall be installed and—
9 maintained in accordance with the regulations set forth in Montgomery County Code Article—
10 59-F.

11 2.— Required Permits. Historic Area Work Permits shall be secured from the Montgomery—
12 County Historic Preservation Commission prior to the installation or modification of a sign—
13 in designated historic districts. Sign permits shall be obtained from the Montgomery County—
14 Department of Permitting Services prior to sign installation.

15 3.— General Requirements. In general, signs should not obscure or detract from—
16 architectural details. Signs should be positioned and designed to complement and emphasize—
17 the building architecture, including special shapes or details of the facade; draw attention to—
18 the building entrance; or to emphasize a display window where feasible and desirable.

19 4.— Wall Signs. Signs that are mounted parallel to the wall of the building may not extend—
20 more than 8 inches from the building face.

21 5.— Projecting Signs. Projecting signs may not extend more than 3 feet from the building—
22 face.

23 6.— Awning or Canopy Signs. Signs may be incorporated as part of awnings or canopies.—
24 Images and lettering should be confined to the vertical face.

25 7.— Freestanding Signs. Signs erected on the ground or attached to a structure such as a—
26 post, pole or column as its sole source of support, should be appropriate to the context,—
27 balanced in size and in height and not unduly obstruct the view of the building or the view—
28 along the streetscape.

29 8.— Temporary Signs. Aggregated area of all temporary signs in a window may not exceed—
30 more than 20% of the window area and may not remain in place for more than 30 days.

31 9.— Limited Duration Signs. The provisions of this chapter shall apply to all banners and—
32 other limited duration signs as defined by Montgomery County Code Article 59-F.

33 10.— Sign Materials. Sign materials should be durable and easy to maintain. Appropriate—
34 materials include but are not limited to painted or carved wood, aluminum, stone, acrylic,—
35 neon, glass, and stained glass.

36 11.— Illumination. Light sources external to the sign surface and directed downward—

1 toward the sign are preferred. The light level should not overpower the facade or other
2 elements of the building or adjacent streetscape. The light source should be shielded from
3 pedestrian view. Internal lighting may be appropriate where only letters are illuminated or
4 neon is used.

5 12.— Sign Shape. Signs should be designed in simple, straightforward shapes that convey
6 their messages clearly. Symbols should be easily readable.

7 13.— Graphics. Lettering should be properly proportioned and easy to read. In most
8 instances, simple fonts are preferred. The number of fonts should be limited to 2 per sign. As
9 a general rule, the letters should not occupy more than 75% of the total sign panel. Finishes
10 should be matte or non-glare with graphics in high contrast to their backgrounds.

11 B.— Maintenance Standards. Signs shall be appropriately maintained with missing lettering,
12 peeling paint, and other signs of deterioration corrected in a timely fashion. Damaged and
13 obsolete signs, as well as associated posts, wiring and structures, shall be repaired or removed
14 within 30 days of notice by the City. (Ord. 2007 49, 2007: Ord. 1999 43 § 2G, 1999)

15 **8.40.130—Lighting.**

16 A.— Design (Modifications/Replacement):

17 1.— Exterior lighting may be installed to illuminate the building facade and entry. Lighting
18 fixtures must be located, aimed and shielded so that the light is directed only onto the
19 building and not toward adjacent roads.

20 2.— Lighting fixtures shall be compatible with the design of the building and may not
21 project more than 24" from the face of the building.

22 3.— Maximum facade illumination shall not exceed an average of 5 foot candles.

23 4.— The following lighting sources are permitted:

24 a.— Fully recessed down lights with a bulb not visible at pedestrian eye level;

25 b.— Wall washers in projecting metal box or goose neck fixtures with a diffuser or
26 reflector fully shielded light sources, not visible at pedestrian eye level;

27 c.— Individually lit letters internally or backlit.

28 5.— The following lighting methods are not permitted:

29 a.— Exposed (visible) fluorescent, quartz or mercury vapor lamps;

30 b.— Exposed incandescent lamps other than low wattage, decorative type fixtures
31 lighting;

32 c.— Flood lights which create glares to vehicles, or occupants of buildings;

33 d.— Low pressure sodium;

34 e.— Lights which blink, black out, flash, or create a motion effect.

1 6. ~~Electrical elements such as wires, conduits, junction boxes, transformers, ballasts,~~
2 switch and panel boxes shall be concealed from view.

3 B. ~~Maintenance.~~

4 1. ~~Low level facade lighting is recommended to be operational to 11:00 pm.~~

5 2. ~~Continuous internal security/police surveillance night lighting is recommended for all-~~
6 street level businesses. (Ord. 1999 43 § 2H, 1999)

7 **8.40.140 — Rear and side yards.**

8 A. ~~Design (Modifications/Replacement).~~

9 1. ~~Paved rear yards may be used for parking or loading.~~

10 2. ~~Storage or trash containers shall be screened from public view.~~

11 3. ~~Parking areas shall be screened from adjoining residential property.~~

12 4. ~~Refuse and storage areas shall be screened from the view of adjacent properties and-~~
13 public rights of way. Screening may consist of masonry walls or durable wooden fences not
14 less than 4' nor more than 6' high, or compact dense evergreen hedges not less than 4' high at
15 time of installation.

16 B. ~~Maintenance.~~

17 1. ~~Yards shall be maintained to provide a neat appearance and not detract from the-~~
18 building or surrounding neighborhood.

19 2. ~~Refuse and storage areas must be maintained and kept neat in appearance at all times.-~~
20 (Ord. 1999 43 § 2I, 1999)

21 **8.40.150 — New buildings.**

22 Facades must be compatible with and enhance the character of the adjacent areas and approved
23 by the Montgomery County Historic Preservation Commission. (Ord. 1999-43 § 2J, 1999)

24 **8.40.160 — Compliance procedures.**

25 A. ~~Reviews and Approvals.~~

26 1. ~~Design plans are required to be reviewed and approved by Montgomery County before~~
27 proceeding with work.

28 2. ~~The City of Takoma Park notes that the Montgomery County Historic Preservation-~~
29 Commission may refuse to approve drawings, plans, or specifications that are not suitable or
30 desirable for aesthetic or functional reasons; and shall have the right to take into
31 consideration issues such as, but not limited to, the suitability of the site plan, architectural
32 treatment, plans, elevations, materials and color, construction details, streets, sidewalks, and
33 the harmony of the plans with the surrounding area.

34 3. ~~All demolition applications are subject to review and approval by the Montgomery-~~

1 ~~County Historic Preservation Commission as stipulated under Chapter 24 A of the~~
2 ~~Montgomery County Code.~~

3 ~~4. To help facilitate approval, it is recommended that plans also be reviewed and~~
4 ~~submitted to the County with an endorsement/comment report by the FAB.~~

5 ~~B. Enforcement.~~

6 ~~1. The City shall provide training to the staff of the Office of Code Enforcement, and~~
7 ~~distribute informational materials to affected building and business owners.~~

8 ~~2. Not sooner than 8 months following the date of adoption of the City Standards by~~
9 ~~Montgomery County Historic Preservation Commission, the Facade Advisory Board shall~~
10 ~~notify the owners of properties determined not to be in compliance with the City Standards~~
11 ~~set forth in Section 8.40.080. Notice shall be in writing and shall include a statement of the~~
12 ~~suggested corrective action and a notice that the FAB is available to provide assistance by~~
13 ~~appointment.~~

14 ~~23. Should the Office of Code Enforcement identify a property which is not in~~
15 ~~compliance with the City Standards set forth in Section 8.40.080, Code Enforcement may~~
16 ~~issue a written notice of violation to the property owner which shall:~~

17 ~~a. Include a legal description or the street address of the property;~~

18 ~~b. Include a detailed description of the violation;~~

19 ~~c. State a reasonable time for the property owner to abate the violation.~~

20 ~~34. Notices of violation shall be deemed to have been properly served by personal~~
21 ~~delivery, or by first class mail to the property owner's last known address, or by any other~~
22 ~~method authorized by the laws of the State of Maryland and the City.~~

23 ~~45. If a property owner does not abate the violation within the time allowed for~~
24 ~~correction, the maintenance provisions of the City Standards set forth in Section 8.40.080,~~
25 ~~then a citation for a Class C municipal infraction may be issued to the property owner or~~
26 ~~other responsible party. (Ord. 2002-7 (part), 2002/Ord. 1999-43 § 2K, 1999)~~

27
28 * * *

29

1 **SECTION 6.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 12.04 be amended as follows:

3 **Chapter 12.04**

4 **GENERAL PROVISIONS**

5 Sections:

- 6 12.04.010 Definitions.
- 7 12.04.020 Interpretation.
- 8 12.04.030 Authority of City Manager to adopt regulations.
- 9 12.04.040 Interference prohibited.
- 10 12.04.050 Enforcement—Stop work orders.
- 11 12.04.060 Procedure to be followed in case of infractions.
- 12 12.04.070 Charges for City taking corrective action.
- 13 12.04.080 City Manager to have decision-making authority for all trees on City property.
- 14 12.04.090 Inspection for insects and disease—Taking of specimens.
- 15 12.04.100 Permission required to prune, spray, plant or remove from City property.
- 16 12.04.110 Requirement for supervision by a tree expert.
- 17 12.04.120 Exemption from County Code.
- 18 12.04.030 Tree Commission.

19
20 * * *

21 **12.04.030 Tree Commission.**

22 **A. Establishment.**

23 A Tree Commission is established to preserve, protect and promote the urban forest of Takoma
24 Park. (Ord. 2004-3 (part), 2004)

25 **B. Composition.**

26 The Tree Commission is composed of up to five seven City residents appointed by the Council.
27 The terms begin on October 1st and end on September 30th. The members shall elect among
28 themselves a Chair. (Ord. 2004-3 (part), 2004)

29 **C. Function.**

30 The Tree Commission, with the assistance of the Urban Forest Manager ~~Arborist~~, shall propose
31 rules, regulations, procedures and actions to be taken by the City to preserve and protect the urban
32 forest, subject to the approval of the Council, and perform any other related duties assigned by the
33 Council by ordinance or resolution. (Ord. 2004-3 (part), 2004)

34
35 * * *

1 **SECTION 7.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 14.04 be amended as follows:

3 **Chapter 14.04**
4 **NUCLEAR-FREE ZONE**

5 Sections:

- 6 14.04.010 Title.
7 14.04.020 Purpose.
8 14.04.030 Findings.
9 14.04.040 Nuclear facilities prohibited.
10 14.04.050 Investment of City funds.
11 14.04.060 Eligibility for City contracts.
12 14.04.070 Exclusions.
13 14.04.080 Violations and penalties—Other remedies.
14 14.04.090 Definitions.
15 ~~14.04.100—Notification.~~
16 ~~14.04.110—Nuclear Free Takoma Park Committee.~~

17 **14.04.010 Title.**

18 This chapter shall be known as the “Takoma Park Nuclear-Free Zone Act.”

19 (Prior code § 8A-1)

20 **14.04.020 Purpose.**

21 The purpose of this Act is to establish the City as a nuclear-free zone in that work on nuclear
22 weapons is prohibited and that harmful exposure to high-level nuclear waste is limited within the
23 City limits. ~~Citizens~~ **Residents** and representatives are urged to redirect resources previously used
24 for nuclear weapons and nuclear power generation towards endeavors which promote and enhance
25 life, such as human services, including child care, housing, schools, health care, emergency
26 services, public transportation, energy conservation, public assistance and jobs. (Ord. 2005-29
27 (part), 2005: prior code § 8A-2)

28 **14.04.030 Findings.**

29 It is the finding of the Mayor and Council of the City, that:

- 30 A. The nuclear arms race has been accelerating for more than 1/3 of a century, draining the
31 world’s resources and presenting humanity with the ever-mounting threat of nuclear holocaust.
- 32 B. There is no adequate method to protect Takoma Park residents in the event of nuclear war.
- 33 C. Nuclear war threatens to destroy most higher life forms on this planet.
- 34 D. The use of resources for nuclear weapons prevents these resources from being used for other
35 human needs, including jobs, housing, education, health care, public transportation and services
36 for youth, the elderly and the disabled.
- 37 E. The United States, as a leading producer of nuclear weapons, should take the lead in the
38 process of global rejection of the arms race and the elimination of the threat of impending

1 holocaust.

2 F. An emphatic expression of the feelings on the part of private citizens **residents** and local
3 governments can help initiate such steps by the United States and the other nuclear weapons
4 powers.

5 G. Takoma Park is on record in support of a bilateral nuclear weapons freeze and has expressed
6 its opposition to civil-defense crisis relocation planning for nuclear war.

7 H. The failure of governments of nuclear nations adequately to reduce or eliminate the risk of
8 ultimately destructive nuclear attack requires that the people themselves, and their local
9 representatives, take action.

10 I. In view of the Nuremberg Principles, which hold individuals accountable for crimes against
11 humanity, and the illegality of nuclear weapons under international law, in adopting this chapter,
12 this community seeks to end its complicity with preparations for fighting a nuclear war.

13 J. The production of nuclear energy creates highly radioactive nuclear waste whose
14 transportation through the City creates substantial risk to the public safety and welfare of the City.
15 (Ord. 2005-29 (part), 2005/prior code § 8A-3)

16 **14.04.040 Nuclear facilities prohibited.**

17 A. The production of nuclear weapons shall not be allowed in the City. No facility, equipment,
18 components, supplies or substance used for the production of nuclear weapons shall be allowed in
19 the City.

20 B. No person, corporation, university, laboratory, institution or other entity in the City
21 knowingly and intentionally engaged in the production of nuclear weapons shall commence any
22 such work within the City after adoption of this chapter. (Prior code § 8A-4)

23 **14.04.050 Investment of City funds.**

24 The City Council shall consider a socially responsible investment policy, specifically addressing
25 any investments the City may have or may plan to have in industries and institutions which are
26 knowingly and intentionally engaged in the production of nuclear weapons.

27 ~~The City Manager in conjunction with the Nuclear Free Takoma Park Committee shall propose,~~
28 ~~within 6 months of the Committee's creation, a socially responsible investment policy and~~
29 ~~implementation plan, specifically addressing any investments the City may have or may plan to~~
30 ~~have in industries and institutions which are knowingly and intentionally engaged in the production~~
31 ~~of nuclear weapons. The proposed policy and plan shall be presented to the Mayor and Council,~~
32 ~~who shall conduct a public hearing on the policy and plan before considering it for adoption. (Prior~~
33 ~~code § 8A-5)~~

34 **14.04.060 Eligibility for City contracts.**

35 A. The City and its officials, employees or agents shall not knowingly and intentionally grant
36 any award, contract or purchase order, directly or indirectly, to any nuclear weapons producer.

37 B. The City and its officials, employees or agents shall not knowingly and intentionally grant
38 any award, contract or purchase order, directly or indirectly, to purchase or lease products
39 produced by a nuclear weapons' producer.

- 1 C. The recipient of a City contract, award or purchase order shall certify to the City Clerk by a
2 notarized statement that it is not knowingly or intentionally a nuclear weapons' producer.
- 3 D. The City shall phase out the use of any products of a nuclear weapons' producer which it
4 owns or possesses. Insofar as non-nuclear alternatives are not available, for the purpose of
5 maintaining a product during its normal useful life and for the purpose of purchasing or leasing
6 replacement parts, supplies and services for such products. Subsections (A) and (B) of this section
7 shall not apply.
- 8 E. The City Council, ~~upon advice of the Nuclear Free Takoma Park Committee~~, shall ~~within 6~~
9 ~~months of its appointment and~~ identify a source annually ~~thereafter establish and publish that~~
10 maintains a list of nuclear weapons' producers to guide the City, its officials, employees and agents
11 in the implementation of subsections (A) through (C) of this section. The list shall not preclude
12 application or enforcement of these provisions to or against any other nuclear weapons' producer.
- 13 F. Waivers.
- 14 1. The provisions of subsections (A) and (B) of this section may be waived by resolution
15 passed by a majority vote of the Mayor and Council, provided that:
- 16 a. The Mayor and Council shall determine, after a diligent good-faith search, that a
17 necessary good or service cannot reasonably be obtained from any source other than a
18 nuclear weapons' producer;
- 19 b. The City Manager ~~or his or her designee~~ shall provide public notice ~~notify the~~
20 ~~Nuclear Free Takoma Park Committee~~ of the Mayor and Council's intent to consider a
21 waiver resolution at least 14-30 days prior to the formal consideration of such a resolution
22 ~~and that the Committee, upon receipt of such notice, shall provide the City Council with~~
23 ~~its considered advice; provided, however, that failure to provide such advice shall not~~
24 ~~prohibit the City Council from taking appropriate action after the 30 day notification~~
25 ~~period; and~~
- 26 e. The City Council shall hold a public hearing prior to the passage of a waiver
27 resolution ~~and no sooner than 30 days after the notification to the Committee of the City~~
28 ~~Council's intent to consider such a resolution.~~
- 29 2. The reasonableness of an alternative source shall be determined upon the consideration
30 of the following factors:
- 31 a. The intent and purpose of this chapter;
- 32 b. Documented evidence establishing that the necessary good or service is vital to the
33 health or safety of the residents or employees of the City, with the understanding that the
34 absence of such evidence shall diminish the necessity for waiver;
- 35 c. The recommendations of the City Manager ~~and the Nuclear Free Takoma Park~~
36 ~~Committee;~~
- 37 d. The availability of goods or services from a non-nuclear-weapons' producer

1 reasonably meeting the specification or requirements of the necessary good or service;

2 e. Quantifiable substantial additional costs that would result from the use of a good or
3 service of a non-nuclear-weapons' producer, provided that this factor shall not become the
4 sole consideration. (Prior code § 8A-6)

5 **14.04.070 Exclusions.**

6 A. Nothing in this chapter shall be construed to prohibit or regulate the research and application
7 of nuclear medicine or the use of fissionable materials for smoke detectors, light-emitting watches
8 and clocks and other applications where the purpose is unrelated to the production of nuclear
9 weapons. Nothing in this chapter shall be interpreted to infringe upon the rights guaranteed by the
10 first amendment to the United States Constitution nor upon the power of Congress to provide for
11 the common defense.

12 B. Nothing in this chapter shall be interpreted, construed or applied to prevent the Mayor and
13 Council or the City Manager or his or her designee of the City, from acting to remedy, ameliorate
14 or prevent an emergency situation presenting a clear and present danger to the public health, safety
15 and general welfare, as defined in Section 2-6.1 of this Code, provided that should any such
16 emergency situation require the purchase of products or services from or entry into a contract with
17 a nuclear weapons producer, then the City Manager ~~or his or her designee~~ shall notify the City
18 Council ~~the Chairperson or his or her designee of the Nuclear-Free Takoma Park Committee~~ within
19 3 working days of the City's actions.

20 C. Nothing in this chapter shall be interpreted, construed or applied to supersede or bypass any
21 procurement regulations, whether those regulations are legislative or administratively
22 promulgated; provided, however, that no procurement regulations pertaining to the granting of any
23 award, contract or purchase order shall alter or abrogate the intent or requirements of this chapter.
24 (Prior code § 8A-7)

25 **14.04.080 Violations and penalties—Other remedies.**

26 A. Any violation of this chapter shall be a Class B offense.

27 B. Without limitation or election against any other available remedy, the City or any of its
28 ~~citizens~~ **residents** of any other aggrieved party may apply to a court of competent jurisdiction for
29 an injunction enjoining any violation of this chapter. The court shall award attorney's fees and
30 costs to any party who succeeds in obtaining an injunction hereunder. (Prior code § 8A-8)

31 **14.04.090 Definitions.**

32 As used in this chapter, the following terms shall have the meanings indicated:

33 "Component of a nuclear weapon" is any device, radioactive substance or nonradioactive
34 substance designed knowingly and intentionally to contribute to the operation, launch, guidance,
35 delivery or detonation of a nuclear weapon.

36 "Nuclear weapon" is any device the sole purpose of which is the destruction of human life and
37 property by an explosion resulting from the energy released by a fission or fusion reaction
38 involving atomic nuclei.

39 "Nuclear weapons producer" is any person, firm, corporation, institution, facility, parent or

1 subsidiary thereof or agency of the Federal government engaged in the production of nuclear
2 weapons or their components.

3 “Production of nuclear weapons” includes the knowing or intentional research, design,
4 development, testing, manufacture, evaluation, maintenance, storage, transportation or disposal of
5 nuclear weapons or their components.

6 A “product produced by a nuclear weapons producer” is any product which is made wholly or
7 primarily by a nuclear weapons’ producer, except that products which, prior to their intended
8 purchase by the City, have been previously owned and used by an entity other than the
9 manufacturer or distributor; such products shall not be considered produced by a nuclear weapons’
10 producer if, prior to their purchase by the City, more than 25% of the useful life of such product
11 has been used or consumed, or within one year after it has been put into service by the previous
12 nonmanufacturer owner. The “useful life of a product” shall be defined, where possible, by the
13 applicable rules, regulations or guidelines of the United States Internal Revenue Service. (Prior
14 code § 8A-9)

15 **~~14.04.100 Notification.~~**

16 A.—~~Upon adoption of this chapter and annually thereafter, the Mayor and Council shall present~~
17 ~~a true copy of this chapter to the President of the United States, to the Premier of the Union of~~
18 ~~Soviet Socialist Republics, to the ambassadors of all nations at that time possessing nuclear~~
19 ~~weapons, to the Secretary General of the United Nations and to the Director of the International~~
20 ~~Atomic Agency.~~

21 B.—~~In addition, true copies of this chapter shall be sent to the Governor of the State of Maryland,~~
22 ~~to the United States Senators from Maryland, to the United States Representatives representing~~
23 ~~Takoma Park, to our State Delegates and Senators, to the County Executives of Montgomery and~~
24 ~~Prince George’s Counties and to the Councilmembers of the respective Counties.~~

25 C.—~~The Mayor and Council of Takoma Park, Maryland, shall choose a Town or City of~~
26 ~~approximately 17,000 inhabitants within 20 miles of Moscow or some other City or Town in the~~
27 ~~Union of Soviet Socialist Republics, as the Mayor and Council may deem appropriate, and shall~~
28 ~~send a true copy of this Takoma Park chapter and a letter urging the chosen Town to take similar~~
29 ~~action. (Prior code § 8A-10)~~

30 **~~14.04.110 Nuclear-Free Takoma Park Committee.~~**

31 A.—~~Within 60 days of the effective date of this chapter, the Mayor shall appoint, with the~~
32 ~~approval of the City Council, a nonpartisan Nuclear-Free Takoma Park Committee to oversee~~
33 ~~implementation of and adherence to this Act. The Committee shall consist of seven Takoma Park~~
34 ~~residents, with staffing to be provided by the City Administrator. Committee members shall have~~
35 ~~collective experience in the areas of science, research, finance, law, peace and ethics.~~

36 B.—~~Residents appointed to the Committee shall serve 2-year terms, except that 3 of the initial~~
37 ~~appointees as designated by the Mayor and Council shall serve one-year terms. The terms shall~~
38 ~~begin on April 1st and end on March 31st. The Committee shall appoint its own chair and establish~~
39 ~~its own bylaws, both subject to approval by the Mayor and Council.~~

40 C.—~~The Committee shall have the following duties and responsibilities:~~

1 ~~1. The Committee may review any work within the City which it has reason to believe is~~
2 ~~not in compliance with Section 14.04.040 of this Act. The Committee shall inform appropriate~~
3 ~~legal authorities of suspected violation of this Act.~~

4 ~~2. The Committee shall review existing City contracts, awards, purchase orders and~~
5 ~~investments and may review proposed contracts, awards, purchase orders and investments to~~
6 ~~assure compliance with Sections 14.04.050 and 14.04.060 of this Act. If the Committee finds~~
7 ~~any contracts, awards, purchase orders or investments in violation of this Act, it shall, in~~
8 ~~conjunction with the City Administrator, make recommendations to the Mayor and Council~~
9 ~~regarding the existence of reasonable alternatives.~~

10 ~~3. The Committee, in conjunction with the City Administrator, shall propose a socially~~
11 ~~responsible investment policy and implementation plan as specified in Section 14.04.050 and,~~
12 ~~upon the adoption of the policy and plan, shall annually thereafter review the investment policy~~
13 ~~to ensure its conformity to this Act.~~

14 ~~4. The Committee shall, through the collection of materials, newsletter articles, cable~~
15 ~~television programming, public forums and other means, provide public education and~~
16 ~~information on issues related to the intent and purpose of this Act. In performing this task, the~~
17 ~~Committee shall cooperate with City staff, the Nuclear Freeze Task Force and other interested~~
18 ~~community groups and individuals.~~

19 ~~5. The Committee shall maintain a collection of current materials concerning the~~
20 ~~production of nuclear weapons and the components thereof and the transportation of high-~~
21 ~~level nuclear waste resulting from the production of nuclear weapons and nuclear energy.~~
22 ~~From this information and from consultations with individuals and organizations involved in~~
23 ~~the nuclear weapons and nuclear energy debate, the Committee shall annually prepare and~~
24 ~~report to the City Council a list of nuclear weapons producers to guide the City, its officials,~~
25 ~~staff and agents in the implementation of Sections 14.04.050 and 14.04.060 of this Act. The~~
26 ~~Committee shall also make recommendations to the City Council from this information and~~
27 ~~from consultations with individuals and organizations involved in the transportation of high-~~
28 ~~level nuclear waste on how best to promote the safety and welfare of the City from harmful~~
29 ~~exposure to high level nuclear waste.~~

30 ~~6. Before a waiver of the provisions of Sections 14.04.060(A), (B) or (C) above pursuant~~
31 ~~to Section 14.04.060(F) may be sought, the Committee, in conjunction with the City~~
32 ~~Administrator or his or her designee, shall conduct a diligent search to determine the~~
33 ~~availability of reasonable alternative sources for a necessary product or service, except,~~
34 ~~however, the City Administrator or his or her designee and/or the Committee's unwillingness~~
35 ~~or inability to conduct such a search shall not preclude actions by the Mayor and Council~~
36 ~~pursuant to Section 14.04.060(F). (Ord. 2005 29 (part), 2005/prior code § 8A 12)~~

37 * * *

1 **SECTION 8.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
2 TAKOMA PARK, MARYLAND, THAT Chapter 14.12 be amended as follows:

3 **Chapter 14.12**

4
5 **NOISE CONTROL**

6 Sections:

- 7 14.12.010 Declaration of policy.
8 14.12.020 Exemption from County Noise Control Ordinance.
9 14.12.030 Definitions.
10 14.12.040 Regulations.
11 14.12.050 Noise level and noise disturbance violations.
12 14.12.060 Noise level and noise disturbance standards for construction.
13 14.12.070 Measurement of sound.
14 14.12.080 Leafblowers and other power lawn tools.
15 14.12.090 Animals.
16 14.12.100 Burglar and vehicle alarms.
17 14.12.110 Exemptions.
18 14.12.120 Waivers.
19 14.12.130 Enforcement and penalties.
20 14.12.140 Noise Control Board.

21 * * *

22 **14.12.140 Noise Control Board.**

23 A. Establishment and Membership.

24 1. A City Noise Control Board is established to assist and advise the City on noise control
25 issues, including administration and enforcement of this chapter, and to adjudicate noise
26 disturbance complaints.

27 2. The Board shall consist of ~~five up to seven~~ active members appointed by the Council.
28 ~~All members shall be residents of the City. Board members shall be appointed for a term of~~
29 ~~three years, except that three of the initial appointees shall serve two year terms. Terms shall~~
30 ~~begin on April 1st and end on March 31st.~~

31 3. ~~The term of a Board member who is appointed to replace a member who cannot complete~~
32 ~~his or her term shall be for the remainder of the term of the Board member being replaced.~~

33 4. ~~A Board member who resigns, who is removed, whose term expires or who ceases to~~
34 ~~reside in the City is ineligible to continue to serve on the Board except that, at the discretion~~
35 ~~of the Chairperson, he or she may continue as an inactive member of the Board to complete~~
36 ~~work on cases in which he or she participated as an active member of the Board. This~~
37 ~~participation may include the approval and signing of Board decisions on noise disturbance~~
38 ~~complaints.~~

39 5. ~~The Council may, by resolution, remove a Board member before the Board member's~~

1 ~~term has expired if the Council determines that the Board member has become incapacitated~~
2 ~~or has failed to reasonably perform his or her duties as a Board member.~~

3 ~~6. The Board shall elect one member as Chairperson and another member as Vice~~
4 ~~Chairperson to serve at the pleasure of the Board. The Board shall meet at the call of the~~
5 ~~Chairperson as required to perform its duties, but not less often than semi-annually. A majority~~
6 ~~of the active members of the Board constitute a quorum for transacting business. The Board~~
7 ~~may act by a majority vote of those present.~~

8 ~~7. The Board may adopt rules of procedure which further regulate its operations and the~~
9 ~~conduct of hearings.~~

10 B. Hearings on Noise Disturbance Complaints.

11 1. When a noise disturbance complaint under Section 14.12.130(E) is received, the Board
12 shall schedule a hearing on the complaint and give reasonable advance notice of the date, time,
13 and place of the hearing before the Board to the persons who filed the noise disturbance
14 complaint (“the complainant”) and the alleged violator. The alleged violator also shall be
15 served with a copy of the noise disturbance complaint.

16 2. The hearing notice and noise disturbance complaint shall be deemed to be properly
17 served on the alleged violator if the notice and complaint is:

18 a. Delivered to the alleged violator personally;

19 b. Sent by certified mail and the return receipt is returned indicating that the certified
20 mail was received by the alleged violator;

21 c. Left at the alleged violator’s residence or place of business with a person of suitable
22 age and discretion; or

23 d. Mailed by first-class mail to the last-known address of the alleged violator or
24 emailed to the alleged violator and posted in a conspicuous location on the property where
25 the noise disturbance violation is alleged to have occurred.

26 C. Hearing Process.

27 1. The Chairperson of the Board is authorized to designate three active members of the
28 Board to sit as a panel to conduct a hearing on any noise disturbance complaint. The
29 Chairperson of the Board shall endeavor to rotate panel membership from time to time among
30 the active members of the Board. If the parties agree, a hearing may proceed before two
31 members of the Board.

32 2. The hearing shall be open to the public. At the hearing, the complainant and the alleged
33 violator may present testimony and evidence to substantiate any material point. All testimony
34 shall be given under oath or affirmation. Each party shall have the right to cross-examine
35 opposing witnesses, to submit rebuttal evidence, and to present summation and argument. The
36 Board panel also may ask questions of witnesses and enter its own evidence.

37 3. The Board panel may admit and consider evidence which would be commonly accepted

1 by reasonable and prudent people as having a causal relationship to the matter before the Board
2 panel. The Board panel may exclude from evidence irrelevant and repetitious testimony and
3 documents.

4 4. The burden of proof of establishing a violation of the noise control ordinance shall be
5 on the party who filed the noise disturbance complaint and shall be met by a preponderance of
6 the evidence.

7 5. An audio or video record of the hearing shall be made. The record of the case shall
8 consist of the recording and any written documentation accepted into the case file. The record
9 of the case shall be open to inspection by any person. Upon request, the Board shall furnish
10 copy of the record of the case to any person at the cost of supplying the same.

11 D. Decision of the Board on a Noise Disturbance Complaint.

12 1. After due consideration of the evidence and testimony presented at the hearing, the
13 Board shall issue its decision on the noise disturbance complaint and give notice of its decision
14 to all parties to the case. The Board's decision may be announced orally, following the hearing,
15 or the Board may take the case under advisement and issue a written decision on the noise
16 disturbance complaint within a reasonable time following the hearing.

17 2. In the event that the Board finds in favor of the complainant on the noise disturbance
18 complaint, the Board may order the violator to cease and desist from the conduct or activity
19 which created the noise disturbance and/or to take other corrective action in order to abate or
20 correct the violation of this chapter.

21 E. Appeals from a Board Decision on a Noise Disturbance Complaint. Within 30 days of the
22 issuance of a decision on a noise disturbance complaint, a person who was a party to the
23 proceedings before the Board and who is aggrieved by the decision may file a petition for judicial
24 review in accordance with Title 7, Chapter 200, Judicial Review of Administrative Agency
25 Decisions, of the Maryland Rules of Procedure, as amended.

26 F. Enforcement of Board Decision on a Noise Disturbance Complaint.

27 1. A violator who fails to comply with a Board decision on a noise disturbance complaint
28 may be issued a municipal infraction citation for a Class A offense.

29 2. In addition to any penalty provided herein, compliance with a Board decision may be
30 enforced by any appropriate action, at law or equity, in any court of competent jurisdiction.
31 (Ord. 2016-4 § 1, 2016/Ord. 2007-4, 2007/Ord. 2002-35 § 1(14), 2002/Ord. 2000-22 § 1(14),
32 2000)

33 THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK,
34 MARYLAND, THIS ____ DAY OF SEPTEMBER, 2021, AND SHALL BE EFFECTIVE
35 BEGINNING ON THE 20TH DAY FOLLOWING ITS ENACTMENT, BY ROLL-CALL VOTE
36 AS FOLLOWS:

37

- 1 AYE:
- 2 NAY:
- 3 ABSTAIN:
- 4 ABSENT:

5
6

7 **Explanatory Note:**

8

- 9 1. Underlining indicates language being added to the Code.
- 10 2. ~~Strikethrough~~ indicates language being deleted from the Code.
- 11