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27 Article 1. **Advisory Committees - General Provisions.**

28
29 **2.16.010 Advisory Committees.**

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

- 32
33 1. Providing the City Council with tangible recommendations in key priority areas.
34
35 2. Leveraging residents' technical expertise and lived experiences to inform City
36 policies and programs.
37
38 3. Ensuring that the Council has regular and timely information to use when
39 considering its priorities or important issues.

1
2 4. Providing an opportunity to engage residents on issues that are important to them
3 as well as to assist in community education and engagement activities in their priority areas.
4

5 B. The authority of such entities is limited to that extended to it by the City Council.
6

7 C. Each Committee is required to report the status of its work annually or at the request of the
8 City Council. Council shall review each committee's report and may concurrently undertake a
9 review of each Committee's purpose, duties, other assigned tasks, and adjust them as
10 necessary.
11

12 D. Membership of advisory committees shall be in accordance with the provisions of this section
13 unless otherwise provided by City Code.
14

15 1. Only City residents may serve on a committee.
16

17 2. Individuals interested on serving on a committee may apply in accordance with
18 procedures and time frames set forth by the City Council and shall be confirmed and
19 appointed by a majority vote of City Council.
20

21
22 3. A member may apply to serve on another City Board, Commission, or Committee,
23 following any term of service on a City Board, Commission, or Committee. A member,
24 after having served on a committee for six years continuously, may reapply to serve on the
25 same committee after one year has elapsed since the end of their previous tenure. ***Are
26 term limits desirable?***
27

28 E. Organization.
29

30 1. Unless otherwise stated in the Code or directed by Council, each advisory
31 committee should consist of up to nine members.
32

33 2. Each committee shall operate under a common set of procedural rules, which shall
34 be prepared by the City Attorney's office and be approved by Council.
35

36 3. Each committee shall elect from its members the following officers: chairperson,
37 vice chairperson, and secretary. Officers shall serve for a period of one year at which time
38 each committee shall elect again the officers. The chairperson shall be rotated among the
39 committee members annually. No person may hold two offices simultaneously.
40

41 F. Meetings.
42

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

1
2 2. All meetings shall be open to the public and are subject to Maryland's Open
3 Meetings Act. Meeting notices and agendas shall be prepared and submitted to the City
4 Clerk and posted in advance of any committee meeting in accordance with State law.
5 Written records of proceedings and attendance shall be maintained by the committee and
6 provided to the City Clerk for safe keeping. A report on the activities of each committee
7 shall be submitted to the City Clerk and Council once per year.

8
9 3. Meetings shall be held at times that facilitate and allow for committee member
10 attendance and ease of public attendance.

11
12 4. A majority of a committee shall constitute a quorum.

13
14 5. Meetings shall take place at a City government building or other publicly accessible
15 location on City owned property and approved by the City Manager. The meetings may
16 occur in person or virtually, so long as such is announced in advance. Meetings may include
17 a virtual attendance option for members and for the public.

18
19 6. At least three members of every committee must maintain current Open Meetings
20 Act certification and provide a copy of the certification to the City Clerk.

21
22 G. Each committee shall designate an individual who shall be responsible for preparing meeting
23 agendas and minutes, and coordinate publishing and storage of the same with the City Clerk.

24
25 H. Staff liaison. The City Manager shall assign a member of the City staff to act as a staff liaison
26 to each committee, who shall provide general support to the committee.

27
28 I. Member Conduct.

29
30 1. Members are expected to attend each meeting of the committee on which they
31 serve. Members may miss a scheduled meeting for cause.

32
33 2. Members are expected to adhere to the Code of Conduct established by the Code
34 of Conduct for Council-Appointed Members of Boards, Committees, Commissions, and
35 Task Forces (Resolution 2020-22, Oct. 7, 2020).

36
37 3. Council may remove a member from their position upon finding a violation of the
38 Code of Conduct, no longer meeting the requirements for membership, or otherwise not
39 fulfilling the duties of a member.

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2.16.01020 Membership of statutory Council-appointed Terms of advisory committees.

A. Except as noted elsewhere in this Chapter, beginning in 2021, the initial term for half of a committee’s members will end on June 30, 2022. The initial term for the other half of a committee’s members’ terms will begin in 2021 and end June 30, 2023.

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

C. The total terms of office for members of a committee shall be no more than six continuous years unless otherwise provided. ***Are term limits desirable?***

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

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

<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 Green Team 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 Committee (Article 5)</u>	<u>2</u>	<u>June 30</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>

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22

A. ~~The Council shall appoint all members of the committees identified in this section.~~

1 B.—Except as otherwise provided in sections specific to individual committees, all members of
2 committees are residents of the City of Takoma Park and, in the event a committee member ceases
3 to reside in the City of Takoma Park, that member is ineligible to serve on the Committee as an
4 active member.

5 C.—Several of the statutory committees are established and defined in this chapter. Cross-
6 references to the enabling sections of the Code for all statutory committees, including those which
7 are established and defined in other chapters of the City Code, are noted in the Term Expiration
8 chart below. The length and expiration month/date of terms for each committee shall be as follows:

Committee	Term Length (Years)	Expiration
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
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

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

1 **Article 2. Tree Commission**

2 **~~2.16.020—Establishment.~~**

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

5 **~~2.16.030—Composition.~~**

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

9 **~~2.16.040—Function.~~**

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

14 **Article 3. Stormwater Board.**

15 **~~2.16.050—Designation—Presiding officer.~~**

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

18 **~~2.16.060—Membership—Conduct of business.~~**

19 ~~The voting members of the Stormwater Board shall be the same as the Council. Charter provisions~~
20 ~~governing the conduct of Council business are applicable to the Stormwater Board, and the Board~~
21 ~~is authorized to adopt such regulations as may be necessary or desirable for its operations and to~~
22 ~~carry out stormwater management in the City of Takoma Park. Stormwater Board regulations, if~~
23 ~~necessary, are promulgated in accordance with the procedures set forth in Chapter 2.12~~
24 ~~(Administrative Regulations), of the Takoma Park Code, as amended from time to time. (Ord.~~
25 ~~2004 3 (part), 2004)~~

26 **Article 4. Commemoration Commission**

27 **~~2.16.070—Establishment.~~**

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

29 **~~2.16.075—Statement of purpose.~~**

30 ~~The Commission shall document, maintain, and preserve past, present, and future memorials,~~
31 ~~commemoratives, and recognitions in the City; recommend to the City Council procedures and~~
32 ~~programs to honor and commemorate individuals, organizations and businesses that have made~~
33 ~~significant contributions to the social, cultural, historical, political, economic, or civic life of the~~
34 ~~City as a whole or to a neighborhood/local area as well as programs for individuals to honor others;~~
35 ~~implement such programs within its scope and budget; and decide on recognitions after~~
36 ~~opportunity for public review and comment. (Ord. 2014 63 § 1, 2014)~~

37 **~~2.16.080—Membership, terms, and structure.~~**

38 ~~A.—Membership. The Commission will be comprised of up to nine but not less than five voting~~

1 ~~members and four nonvoting members.~~

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

6 ~~2.—Nonvoting Members. The four nonvoting members shall include one representative~~
7 ~~selected by Historic Takoma, Inc., one representative selected by the Arts and Humanities~~
8 ~~Commission, one representative selected by the Recreation Committee, and one staff liaison~~
9 ~~selected by the City Manager.~~

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

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

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

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

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

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

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

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

27 **~~2.16.085—Duties and responsibilities of the Commission.~~**

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

31 ~~B.—Develop a digital record of images and information related to commemoratives.~~

32 ~~C.—Maintain and supervise the City’s commemorative archival records. Issue an annual report~~
33 ~~on the status of these records, listing the content and place of each record maintained by the City.~~
34 ~~These digital records shall be publicly accessible.~~

35 ~~D.—Adopt and maintain a policy/procedure manual for including all commemorative archival~~

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

25 **Article 5. Complete Safe Streets Committee**

- 26 **2.16.100—Committee established.**
27 ~~There is established a Takoma Park Complete Safe Streets Committee which shall serve in an~~
28 ~~official advisory and coordination role to the City Council on all matters related to transportation.~~
29 ~~(Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/Ord. 2004-08 § 1, 2004)~~
- 30 **2.16.110—Statement of purpose.**
31 ~~The purpose of the Takoma Park Complete Safe Streets Committee shall be as follows:~~
- 32 ~~A.— To advise the City Council on transportation-related issues including, but not limited to,~~
33 ~~pedestrian and bicycle facilities and safety, traffic issues, and transit services.~~
- 34 ~~B.— To encourage Takoma Park residents to use alternatives to driving, including walking,~~

1 bicycling, and transit. (~~Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/Ord. 2004-08 § 2, 2004~~)

2 **2.16.120 — Committee membership, terms of office, structure, and staffing.**

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

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

10 C. — ~~Structure.~~

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

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

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

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

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

23 E. — ~~The Committee shall conform to other provisions of Article 1 of this chapter as may be~~
24 ~~amended from time to time. (~~Ord. 2019-15 § 1, 2019/Ord. 2012-38 § 1, 2012/Ord. 2005-36,~~~~
25 ~~2005/Ord. 2004-08 § 3, 2004)~~

26 **2.16.130 — Duties and responsibilities of the committee.**

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

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

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

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

1 ~~pedestrians, and bicyclists.~~

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

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

6 **2.16.140030 ~~Commission~~ Committee established.**

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

11 **2.16.150040 Statement of purpose.**

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

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

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

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

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

21 **~~2.16.160—Commission membership, terms of office, structure and staffing.~~**

22 ~~A.— Membership. The Commission shall consist of a minimum of 7 and maximum of 15 persons~~
23 ~~to be appointed by the City Council. A minimum of 2/3 of the members of the Commission shall~~
24 ~~reside in the City of Takoma Park. No organization which is a potential recipient of city arts~~
25 ~~funding shall have on the Commission more than one person who serves on its board or staff.~~
26 ~~Every effort shall be made to have a broad and diverse representation of the fine and performing~~
27 ~~arts community and of local arts and cultural organizations on the Commission.~~

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

32 ~~C.— Structure.~~

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

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

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

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

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

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

12 **2.16.170050 Duties and responsibilities of the Commission Committee.**

13 The Commission Committee shall advise and assist the City Council with respect to developing
14 and promoting the performing and visual arts for the enjoyment, education, cultural enrichment
15 and benefit of the residents of the City of Takoma Park. In furtherance of these duties, the
16 Commission Committee shall attempt to accomplish the following:

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

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

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

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

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

30 F. Prepare and submit budgetary recommendation to the City Manager for annual expenditures
31 necessary for the continuation and development of public programs and facilities which further the
32 arts;

33 G. Review funding requests and recommend to the City Council the allocation of monies to
34 cultural organizations, arts organizations, and individual artists;

35 H. Seek out and encourage contributions and grants to the arts from private and public sources;

36 I. Initiate proposals for Federal and State assistance to the arts and to review arts-related

1 proposals and programs originated by the City and approved by the City Manager;

2 J. Keep abreast of what other communities are doing to further the arts and to adapt their
3 accomplishments to the needs of Takoma Park;

4 K. Prepare an annual report to the City Council on the activities of the Commission. (Ord. 2003-
5 1 § 1 (part), 2003)

6 **Article 3 7. Sustainable Green Team Committee on the Environment**

7 **2.16.180060 Committee established.**

8 There is established a Takoma Park Sustainable Maryland Green Team Committee which shall
9 serve in an official advisory and coordination role to the City Council. ~~Committee on the~~
10 ~~Environment which shall serve in an official advisory and coordination role to the City Council on~~
11 ~~all matters related to environmental sustainability, protection and restoration. (Ord. 2012-37 § 1,~~
12 ~~2012/Ord. 2005-9 § 1 (part), 2005)~~

13 **2.16.200070 Statement of purpose.**

14
15 The purpose of the Sustainable Maryland Green Team Committee is to provide recommendations
16 to the City Council that will allow the City to achieve sustainability and other environmental
17 certifications that may help the City meet its environmental goals.

18
19 ~~The purposes of the Committee shall be as follows:~~

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

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

27 **2.16.210 Committee membership, terms of office, structure and staffing.**

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

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

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

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

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

4 ~~D.—Structure.~~

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

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

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

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

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

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

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

26 **2.16.220080 Duties and responsibilities of the Committee.**¹

27 **TBD**

28
29
30 **Article 4 8. Emergency Preparedness Committee**

31 **2.16.090 Committee established.**

32 ~~The City Council of Takoma Park, Maryland, establishes~~ There is established a Takoma Park

¹ Existing Committee on the Environment tasks:

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

1 Emergency Preparedness Committee.

2 **2.16.100 Statement of purpose.**

3 The purpose of the Emergency Preparedness Committee is to provide community input to and
4 assist in the City's planning and preparations for emergency operations and to involve residents in
5 providing appropriate assistance during emergency operations. (Ord. 2014-20 § 1, 2014/Ord.
6 2004-31 (part), 2004)

7

8 **2.16.240110 Duties and responsibilities of the Committee. of Emergency Preparedness**
9 **Committee.**

10 The Emergency Preparedness Committee shall assist in:

11 A. Reviewing the City's Emergency Operations Plan and other supporting emergency
12 documents and recommending changes to the Council and City Manager.

13 B. Exploring the formation of volunteer neighborhood emergency teams that can assist City
14 departments in carrying out emergency activities when called upon.

15 C. Coordinating with the City, Montgomery County, and other agencies to educate residents
16 on their individual responsibilities in preparing their households for emergencies and providing
17 information on what residents can expect from the City and County during an emergency.

18 D. Collecting and providing, as appropriate, research and data as well as assembled comments
19 on emergency-related events for the Council.

20 ~~E. Reporting to the Council on the Committee's progress six months after the Committee starts~~
21 ~~operating and every six months thereafter. Each report will provide information on upcoming plans~~

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

A. Assist the Council in the development and improvement of policies and programming that
could help the City achieve its sustainability and environmental goals;

B. Help inspire and lead community efforts and involvement in environmental sustainability
and environmental protection and restoration;

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

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

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

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

1 ~~for the Committee along with recommendations for improving the City's preparedness, if~~
2 ~~appropriate.~~

3 E F. Coordinating with Montgomery County to offer and promote citizen training programs for
4 residents.

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

9 G H. Advising the City on strategies to improve the effectiveness and efficiency of City
10 preparedness activities and its relationship with relevant agencies, organizations, and community
11 groups.

12 H I. Providing opportunities, when appropriate, for Councilmembers to be present during
13 emergency exercises as observers and solicit their feedback after an event. (Ord. 2014-20 § 1,
14 2014/Ord. 2007-3, 2007: Ord. 2004-31 (part), 2004)

15 **2.16.250120 Membership.**

16 A. The Committee will be composed of appropriate senior City staff selected by the City
17 Manager, one member selected by the Public Safety Citizens Advisory Committee (PSCAC), one
18 member selected by the Takoma Park Volunteer Fire Department, one member selected by the
19 Washington Adventist Hospital, one member selected by the Montgomery County Office of
20 Emergency Management and Homeland Security, and seven residents (preferably at least one from
21 each ward) appointed by the Council. Appointees should have some professional background in
22 emergency preparedness or operations and be available to perform committee duties when
23 required.

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

28 ~~C. Resident committee members shall serve staggered, three year terms with initial~~
29 ~~appointments of one, two and three years. All terms shall begin on April 1st and end on March~~
30 ~~31st. Mid-term vacancies shall be filled to serve the balance of the unexpired term and, if~~
31 ~~appropriate, extended in accordance with provisions of Section 2.16.010. Other Committee~~
32 ~~members will serve as long as determined appropriate by their institution or agency. (Ord. 2014-~~
33 ~~20 § 1, 2014/Ord. 2006 2, 2006: Ord. 2005 8, 2005/Ord. 2004 31 (part), 2004)~~

34 **2.16.260 Open meetings requirements.**

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

1 **Article 5 9. Recreation Committee**

2 **~~2.16.300130~~ 2.16.310130 **Committee established. Establishment of Recreation Committee.****

3 ~~There is established a A Takoma Park Recreation Committee. is hereby established to advise the~~
4 ~~City Council on matters pertaining to recreation programming and facilities. (Ord. No. 2008-4, 2-~~
5 ~~25-08)~~

6 **~~2.16.310140~~ 2.16.310140 **Statement of purpose.****

7 The purpose of the Recreation Committee shall be as follows:

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

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

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

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

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

23 **~~2.16.320~~ 2.16.320 **Membership, Terms of Office, Structure and Staffing.****

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

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

29 ~~C. The Committee shall organize and adopt bylaws and rules of procedure as necessary to~~
30 ~~accomplish its purpose. The Committee shall elect a Chairperson, Vice Chairperson, and any other~~
31 ~~officers it shall deem necessary. Officers shall serve for a period of one year.~~

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

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

1 **~~2.16.330~~ Meetings.**

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

5 B. ~~A majority of members shall constitute a quorum to conduct business. (Ord. No. 2008-4, 2-~~
6 ~~25-08)~~

7 **~~2.16.340~~150 Duties and responsibilities of the Committee.**

8 A. The Committee shall prepare an annual report to the Council and may provide additional
9 briefings as needed.

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

12 **Article 6. Grants Review Committee**

13 **2.16.160 Committee established.**

14 There is established a Takoma Park Grants Review Committee.

15 **2.16.170 Statement of purpose.**

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

19 **2.16.180 Duties and responsibilities of the Committee.**

20 A. The Grants Review Committee shall evaluate grant applications based on established
21 program priorities, program guidelines, and available funding and to forward funding
22 recommendations to the City Council for consideration.

23 B. The Committee shall prepare an annual report to the Council and may provide additional
24 briefings as needed.

25 **Article 7. Youth Council**

26 **2.16.190 Council established.**

27 There is established a Takoma Park Youth Council.

28 **2.16.200 Statement of purpose.**

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

1 **2.16.210 Duties and responsibilities of the Council.**

- 2 A. To provide an opportunity for the youth of Takoma Park to acquire a greater knowledge of and
3 appreciation for local government through active participation in the system.
4
5 B. To help the City Council to address and accomplish the goals of this community by working
6 directly with the representatives of youth.
7
8 C. To serve the youth of Takoma Park by: informing the Takoma Park municipal government of
9 the needs and wishes of youth; planning and implementing social, educational, cultural and
10 recreational activities for the youth; working with the Mayor, City Council, City department
11 heads, schools, civic clubs, and service organizations to provide service and leadership
12 opportunities for the youth of the City; and, helping to instill a feeling of positive self-worth
13 and esteem, teaching respect for the rights of others, and promoting community pride.

14 **2.16.220 Membership.**

- 15 A. The Youth Council shall consist of eleven Takoma Park youth appointed by the City Council
16 representing a cross-section of the City's youth.
17
18 B. The Youth Council shall report to the City Council the names of the elected Chairperson and
19 Vice Chairperson.
20
21 C. All members shall be in grade levels 7 through 12, except the Chairperson shall be in the 11th
22 or 12th grade.
23
24 D. The term of each member shall be one year. Members are eligible to reapply annually if they
25 meet member eligibility requirements.
26
27 E. Members must meet the following qualifications:
28
29 1. Remain residents of the City and the ward they may represent;
30
31 2. Attend meetings on a regular basis and inform the Youth Council of absences prior to
32 meetings;
33
34 3. Maintain at least a 2.5 grade point average for the current school year;
35
36 4. Fulfill the responsibilities of the office held; and
37
38 5. Set an example for youth in the community.
39
40 F. A member can be removed from the Youth Council if they fail to sustain any of the above
41 qualifications and by a majority vote of the members, subject to the approval of the City
42 Council or City Manager.

- 1
- 2 G. Vacancies shall be filled by the City Council for the remainder of the unexpired term.
- 3
- 4 H. Members shall be appointed annually at the start of the school year and shall serve one-year
- 5 terms.
- 6

Chapter 2.17

- 3 2.17.010 Boards and Commissions.
- 4 2.17.020 Boards and Commissions, generally.
- 5 2.17.025 Interpretation of Chapter 2.17.

Boards and Commissions

2.17.010 Boards and Commissions.

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>2</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>

2.17.020 Boards and Commissions, generally.

- 15 A. Boards and commissions are charged with the duties assigned to them in the City Code.
- 17 B. The authority of such entities is limited to that extended to it by the City Code and other
18 applicable law.
- 20 C. Each board and commission are required to report the status of its work annually or at the
21 request of City Council.

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

3
4 1. Unless provided otherwise, only City residents may serve on boards and commissions.

5
6 2. Members of a board or commission may apply to serve and shall be confirmed and
7 appointed by a majority vote of City Council.

8
9 3. Beginning in 2021, the initial term for half of a board or commission's members will end
10 on June 30, 2024. The initial term for the other half of a board or commission's members'
11 terms will begin in 2021 and end June 30, 2025.

12
13 4. After the initial terms have expired, all terms of office will be staggered three-year terms.
14 Said terms shall begin on July 1st and end June 30th.

15
16 5. Vacancies may be filled by the Council for the remainder of any unexpired term.

17
18 D. Organization.

19
20 1. Each board or commission shall consist of the number of members stated in the provisions
21 of the City Code establishing each board or commission.

22
23 2. Each board and commission shall operate under a set of rules of procedure necessary to
24 accomplish its purposes, which shall be provided by the board or commission to Council for
25 review by the City Attorney periodically, but not less than every five years.

26
27 E. Meetings.

28
29 1. Boards and commissions shall meet at least once every quarter or as often as required to
30 fulfill their purposes.

31
32 2. All meetings shall be open to the public and are subject to the Maryland Open Meetings
33 Act unless otherwise permitted or required by applicable law. Meeting notices and agendas
34 shall be prepared and submitted to the City Clerk and posted in advance of any meeting in
35 accordance with State law. Written records of proceedings and attendance shall be maintained
36 by the board or commission and provided to the City Clerk for safe keeping. A report on the
37 activities of each entity shall be submitted to the City Council once per year and as directed by
38 Council.

39
40 3. Meetings shall be held at times that facilitate and allow for member attendance and ease of
41 public attendance.

1 4. Meetings must take place at a City government building and may occur in person or
2 virtually, so long as such is announced in advance. Meetings may include a virtual attendance
3 option for members and for the public.
4

5 5. At least three members of every board and commission shall maintain current Open
6 Meetings Act certification and provide a copy of the certification to the City Clerk.
7

8 6. Each board and commission shall designate an individual who shall be responsible for
9 preparing meeting agendas and minutes, and coordinate publishing and storage of the same
10 with the City Clerk.
11

12 F. Staff liaison. The City Manager shall assign a member of the City staff to act as a staff liaison
13 to each board and commission, who shall provide general support to the board or commission.
14

15 G. Member Conduct.
16

17 1. Members are expected to attend each meeting of the entity on which they serve. Members
18 may miss a scheduled meeting for cause. A member who misses more than one-third of the
19 meetings of the entity on which they serve in any calendar year may face removal from the
20 same.
21

22 2. Members are expected to adhere to the Code of Conduct established by the City Council
23 for Boards, Commissions, Committees, and Task Forces (Resolution 2020-22, Oct. 7, 2020).
24

25 3. Council may remove a member from their position upon finding a violation of the Code of
26 Conduct, no longer meeting the requirements for membership, or otherwise not fulfilling the
27 duties of a member.
28

29 **2.17.025 Interpretation of Chapter 2.17.**

30 Chapter 2.17 shall be interpreted as supplementing existing Code provisions establishing quasi-
31 judicial Boards and Commissions to promote uniformity in organization, membership, and
32 procedures where applicable. If any provision in this Chapter 2.17 is interpreted as conflicting
33 with another provision of the City Code addressing City Boards and Commissions, the non-
34 Chapter 2.17 provision shall be controlling.
35

36 * * *

1 **Title 4**
2 **PERSONNEL**

3 **Chapters:**

- 4 **4.04 Civil Service**
5 **4.08 Collective Bargaining**
6 **4.12 Alcohol and Drug Policy**
7 **4.16 Employee Assistance Program**
8 **4.20 Screening for Drugs and Alcohol**
9 **4.24 Police Employees' Retirement Plan**

10
11 **Chapter 4.04**

12 **CIVIL SERVICE**

13 **Sections:**

14 **Article 1. Administration**

- 15 4.04.010 Purpose.
16 4.04.020 Repealed.
17 4.04.030 Responsibilities of personnel officer.
18 4.04.040 Responsibilities of employee.
19 4.04.050 Applicability of regulations.
20 4.04.060 Repealed.
21 4.04.070 Merit principles.

22 **Article 2. Definitions**

- 23 4.04.080 Terms defined.

24 **Article 3. Conduct of Employees**

- 25 4.04.090 General policy.
26 4.04.100 Business activities and solicitation.
27 4.04.110 Outside employment.
28 4.04.120 Privileged information.
29 4.04.130 Political activity.

30 **Article 4. Classified System**

- 31 4.04.140 Overview of compensation.
32 4.04.150 Creation and abolition of positions.
33 4.04.160 Position classification plan.
34 4.04.170 Allocation of positions to classes.
35 4.04.180 Class specifications.

- 1 4.04.190 Amendments to position classification plan.
- 2 4.04.200 Reclassifications.
- 3 4.04.210 Assigning class to pay grade.
- 4 4.04.220 Contents, preparation and adoption of pay plan.
- 5 4.04.230 Pay period.
- 6 4.04.240 Determination of pay increases.
- 7 4.04.250 Salary rates for reallocations, promotions and demotions.
- 8 4.04.260 Salary rates for transfers.
- 9 4.04.270 Compensation for new employees.
- 10 4.04.280 Overtime.

11 Article 5. (Reserved)

12 Article 6. Attendance and Leave

- 13 4.04.290 Authorized leave.
- 14 4.04.300 Requests for leave.
- 15 4.04.310 Accounting responsibilities and procedures.
- 16 4.04.320 Holiday leave.
- 17 4.04.330 Annual leave.
- 18 4.04.340 Sick leave.
- 19 4.04.350 Compensatory leave.
- 20 4.04.360 Injury leave.
- 21 4.04.370 Military leave.
- 22 4.04.380 Maternity leave.
- 23 4.04.390 Bereavement leave.
- 24 4.04.400 Jury leave.
- 25 4.04.410 Civic duties.

26 Article 7. Selection and Appointment of Employees

- 27 4.04.420 Recruitment.
- 28 4.04.430 Qualification requirements.
- 29 4.04.440 Applications.
- 30 4.04.450 Examinations.
- 31 4.04.460 Appointment.

32 Article 8. Probationary Period

- 33 4.04.470 Purpose.
- 34 4.04.480 Duration.
- 35 4.04.490 Expiration.

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

- 37 4.04.500 Seniority.
- 38 4.04.510 Break in employment.
- 39 4.04.520 Promotion policy.

- 1 4.04.530 Demotion.
- 2 4.04.540 Transfer.
- 3 4.04.550 Resignation.
- 4 4.04.560 Layoffs.

5 Article 10. Employee Performance Evaluation

- 6 4.04.570 Purpose.
- 7 4.04.580 Maintenance of system.
- 8 4.04.590 Procedure.
- 9 4.04.600 Evaluation results and consequences.

10 Article 11. Disciplinary Actions and Dismissal

- 11 4.04.610 Responsibility—Applicability to police.
- 12 4.04.620 Types of disciplinary action—Severity.
- 13 4.04.630 Reasons for disciplinary action.
- 14 4.04.640 Reprimand procedures.
- 15 4.04.650 Disciplinary probation.
- 16 4.04.660 Expiration of disciplinary probation
- 17 4.04.670 Suspension.
- 18 4.04.680 Dismissal.

19 Article 12. Employee Development

- 20 4.04.690 Purpose.
- 21 4.04.700 Responsibility.
- 22 4.04.710 Payment for non-city provided training programs.
- 23 4.04.720 Higher education program.
- 24 4.04.730 Salary adjustments.

25 Article 13. Fringe Benefits

- 26 4.04.740 Hospitalization.
- 27 4.04.750 Life insurance.
- 28 4.04.760 Hours.
- 29 4.04.770 State retirement.

30 Article 14. Grievance Procedure

- 31 4.04.780 Rights of employees.
- 32 4.04.790 Procedure.

33 ~~Article 15. Personnel Appeal Board~~

- 34 ~~4.04.800—Establishment and composition.~~
- 35 ~~4.04.810—Meetings.~~
- 36 ~~4.04.820—Authority.~~

1 * * *

2 **Article 14. Grievance Procedure**

3 **4.04.780 Rights of employees.**

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

11 B. An employee may appeal a decision involving:

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

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

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

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

27 **4.04.790 Procedure.**

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

- 31 1. Step 1. The employee shall first present his or her grievance to the department head who
32 shall make every effort to dispose of the matter forthwith. If the issue cannot be resolved
33 immediately, the employee shall return to work and await the department head's written
34 decision. The department head shall render such decision within 7 days upon receipt of the
35 grievance and make copies of the decision available to the personnel officer. Should the
36 decision be unacceptable to the employee, the employee may proceed with the grievance
37 procedure.

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

9 ~~3. Step 3. Should the employee receive an unacceptable decision, he or she may petition~~
10 ~~the City Administrator in writing requesting assemblage of the Personnel Appeal Board. The~~
11 ~~City Administrator shall promptly notify the Chairperson of the Personnel Appeal Board to~~
12 ~~convene for the purpose of adjudication. The Board shall hear all facts pertaining to the case~~
13 ~~but shall be informal in its conduct. The Board shall convene, hear testimony and reach a~~
14 ~~decision within 21 days upon receipt of the employee's request to convene the Board. The~~
15 ~~Board shall vote on the grievance and reduce to writing its decision. The decision rendered by~~
16 ~~the Board shall be final and binding.~~

17 B. The following are the procedures for an employee to appeal a decision listed in Section
18 4.04.780(B):

19 1. Description of an Employee's Position.

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

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

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

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

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

36 b. If the employee is not satisfied with the decision of the department head, the
37 employee may submit a written appeal to the City Manager within 14 days after the
38 response of the department head is received or a response is due. The written appeal must
39 justify the change on the basis of the job descriptions of the 2 positions. The City Manager

1 must respond within 14 days. The decision of the City Manager is final.

2
3 ~~e.—If the employee is not satisfied with the decision of the City Administrator, the~~
4 ~~employee may make a written demand that the Personnel Appeal Board convene to hear~~
5 ~~the employee's appeal.~~

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

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

10 a. If an employee is not satisfied with the class that the employee's position is allocated
11 to, the employee should submit a written justification for a change to the department head.
12 The written justification must be based on the job description of the employee's position
13 and the class specifications for both the employee's current class and for the class which
14 the employee maintains is more appropriate. The department head must respond to the
15 employee in writing within 14 days.

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

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

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

26 C. The following are the procedures for a nonprobationary employee to appeal a decision to
27 dismiss the employee:

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

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

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

4 **Article 15. Personnel Appeal Board**

5 ~~4.04.800—Establishment and composition.~~

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

8 ~~B.—Except for the initial appointments, the City Council shall appoint the members for terms of~~
9 ~~3 years. Initially, the City Council shall appoint one member for a term of one year, 2 members~~
10 ~~for a term of 2 years and 2 members for a term of 3 years. The terms shall begin on April 1st and~~
11 ~~end on March 31st. Any member appointed to fill a vacancy occurring prior to the expiration of a~~
12 ~~term shall be appointed only for the remainder of that term. (Prior code § 8B-181)~~

13 ~~4.04.810—Meetings.~~

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

19 ~~B.—3 Member Panels.~~

20 ~~1.—The Chairperson of the Board is authorized to designate 3 members of the Board to sit~~
21 ~~as a panel to conduct a hearing on any complaint pending before the Board. The Chairperson~~
22 ~~shall designate one panel member to serve as the panel's presiding officer. The Chairperson~~
23 ~~of the Board will endeavor to rotate panel membership from time to time among members of~~
24 ~~the Board.~~

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

29 ~~4.04.820—Authority.~~

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

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

33 * * *

1 **Chapter 8.40**

2
3 **COMMERCIAL DISTRICT FACADE REGULATIONS**

4 Sections:

5 ~~Article 1. Facade Advisory Board~~

6 ~~8.40.010 Purpose.~~

7 ~~8.40.020 Members.~~

8 ~~8.40.030 Support staff.~~

9 ~~8.40.040 Meetings.~~

10 ~~8.40.050 Duties.~~

11 ~~Article 2. Standards~~

12 8.40.060 County regulations.

13 8.40.070 City standards—Applicability.

14 8.40.080 City standards—Intent—Review

15 8.40.090 Roofs.

16 8.40.100 Exterior walls.

17 8.40.110 Architectural details.

18 8.40.120 Signs.

19 8.40.130 Lighting.

20 8.40.140 Rear and side yards.

21 8.40.150 New buildings.

22 8.40.160 Compliance procedures.

23 **~~Article 1. Facade Advisory Board~~**

24 **~~8.40.010 Purpose.~~**

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

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

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

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

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

35 **~~8.40.020 Members.~~**

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

- 1 1. ~~At least two members shall be professional such as architects, planners, and/or~~
2 ~~historians.~~
- 3 2. ~~At least two members shall be building or business owners located or doing business in~~
4 ~~the Takoma Old Town and Takoma Junction commercial areas as defined in Section~~
5 ~~8.40.070.~~
- 6 3. ~~One member shall represent Historic Takoma, Inc. The Board of Historic Takoma, Inc.~~
7 ~~shall select from among its membership for consideration by the City Council, two~~
8 ~~representatives, one of which may be appointed to serve as a voting member of the FAB, the~~
9 ~~other to serve as an alternate.~~
- 10 B. ~~Members shall be nominated and appointed by the City Council.~~
- 11 1. ~~The seven members shall serve staggered three year terms, with initial appointments of~~
12 ~~one, two and three years. The terms shall begin on April 1st and end on March 31st.~~
- 13 2. ~~Historic Takoma, Inc. representatives shall serve for one year.~~
- 14 3. ~~No member, with the exception of the member representing Historic Takoma, Inc.,~~
15 ~~shall serve for more than two consecutive terms.~~
- 16 ~~The members representing Historic Takoma, Inc. may serve for an unlimited number of one~~
17 ~~year terms.~~
- 18 C. ~~The initial term of a member appointed to replace a member who cannot complete his or~~
19 ~~her term shall be for the remainder of that member's term.~~
- 20 D. ~~A member, whose term expires, may upon a majority vote of the remaining members,~~
21 ~~continue as a voting member on pending cases which were ongoing prior to the completion of~~
22 ~~their term.~~
- 23 E. ~~The City Administrator may remove a member before their term has expired if the member~~
24 ~~has become incapacitated, has failed to reasonably perform his or her duties, or has missed 3~~
25 ~~consecutive meetings.~~
- 26 F. ~~The FAB shall elect a Chairperson and a Vice Chairperson. (Ord. 2004-20, 2004/Ord.~~
27 ~~2002-7 (part), 2002/Ord. 1999-43 § 1B, 1999)~~
- 28 **8.40.030 — Support staff.**
29 ~~The City Administrator shall assign City staff familiar with building code and historic~~
30 ~~preservation policies and procedures in Takoma Park, Montgomery County, and the State of~~
31 ~~Maryland to support the FAB. (Ord. 1999-43 § 1C, 1999)~~
- 32 **8.40.040 — Meetings.**
33 A. ~~The FAB shall convene as frequently as may be reasonably required to perform its duties~~
34 ~~and may operate under a quorum of at least 3 voting members.~~
- 35 B. ~~The FAB shall establish a regular monthly meeting date, time and place which shall be~~

1 ~~published, along with the name and phone number of the City staff person to contact for placing~~
2 ~~items on the agenda.~~

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

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

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

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

13 **8.40.050 —Duties.**

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

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

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

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

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

26 **Article 2. Standards**

27 **8.40.060 County regulations.**

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

30 1. Building Code regulations (latest version).

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

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

34 (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.

1 B. Maintenance. Roofing materials, chimneys and other auxiliary structures shall be kept in a
2 good state of repair and appearance. (Ord. 1999-43 § 2D, 1999)

3 **8.40.100 Exterior walls.**

4 A. Design (Modifications/Replacement).

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

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

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

11 4. Exterior finishes and colors shall be compatible with neighboring structures.

12 5. Plywood and/or asphalt shingle siding shall not be permitted.

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

16 7. Vinyl gutter and down spouts are permitted.

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

19 B. Maintenance.

20 1. All exterior facade materials shall be maintained in sound and attractive condition.

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

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

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

26 **8.40.110 Architectural details.**

27 A. Design (Modifications/Replacement).

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

30 2. Signs covering building cornices shall be removed and the cornice repaired and
31 restored.

32 3. Lintels, arch work, and sills over windows shall be preserved, restored or replaced in a

- 1 style compatible with the original construction.
- 2 4. Windows shall be of matching or otherwise compatible design and material and shall
3 be of the same height and width as existed in the original construction. Vinyl-clad wood or
4 metal or other weather resistant materials may be considered.
- 5 5. Ornamental window grilles or balconettes may be incorporated as decorative or
6 security devices.
- 7 6. Boarding or filling in windows on street front and side facades shall be prohibited.
- 8 7. Windows facing alleys or yards may be closed with materials and a design that
9 matches or are compatible with the surrounding materials and finishes.
- 10 8. Textured or colored glass and ribbed or patterned metal shall not be permitted as
11 replacement materials for shopfront windows.
- 12 9. Non-metal security grilles, screens, and mesh wire shall be prohibited.
- 13 10. Public entry doors, including stoops and approaches shall be accessible to persons
14 with disabilities to the maximum extent practical without being detrimental to the historical
15 value of the property.
- 16 11. Doorway steps, stoops, or ramps shall be compatible with the original design of the
17 building. Where there are more than 2 risers, railings shall be installed.
- 18 12. Rigid fixed awnings, canopies, and similar overhangs for weather protection and
19 compatible with the building design are permitted over the first floor and on upper floor
20 windows and entrances. Wooden shingle mansard type awnings are prohibited. Cloth
21 awnings shall be made with fire retardant material.
- 22 13. First floor awnings shall terminate not higher than 6" below the second floor window
23 sill. The front valance of awnings shall not exceed one foot in depth. Signs, symbols or other
24 designs compatible with the facade and in conformance with sign requirements are permitted
25 on awnings.
- 26 B. Maintenance.
- 27 1. Cornices shall be structurally sound. Rotted or weakened portions shall be repaired or
28 replaced. All exposed wood shall be painted or otherwise finished.
- 29 2. Windows must be tight fitting. Rotted, broken, loose or otherwise deteriorated or
30 damaged sashes, window panes, mullions, and muntins shall be repaired or replaced in kind.
31 All exposed wood shall be painted or otherwise finished.
- 32 3. Faded, peeling or similarly deteriorated awnings shall be removed, replaced, or
33 repaired.
- 34 4. Extraneous and/or unused hardware, signs, and equipment shall be removed.

- 1 5. Broken, rotten, or damaged elements shall be removed, replaced or repaired.
- 2 6. Security grilles shall be free of rust, peeling paint or other unsightly appearance.
- 3 7. Solid or other similarly permanently enclosed, covered or painted shopfront windows
4 shall not be permitted.
- 5 8. Vending machines located within 25' of the sidewalk shall be screened from view.
6 (Ord. 1999-43 § 2F, 1999)

7 **8.40.120 Signs.**

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

- 9 1. Zoning Regulations. All permanent and temporary signage shall be installed and
10 maintained in accordance with the regulations set forth in Montgomery County Code Article
11 59-F.
- 12 2. Required Permits. Historic Area Work Permits shall be secured from the Montgomery
13 County Historic Preservation Commission prior to the installation or modification of a sign
14 in designated historic districts. Sign permits shall be obtained from the Montgomery County
15 Department of Permitting Services prior to sign installation.
- 16 3. General Requirements. In general, signs should not obscure or detract from
17 architectural details. Signs should be positioned and designed to complement and emphasize
18 the building architecture, including special shapes or details of the facade; draw attention to
19 the building entrance; or to emphasize a display window where feasible and desirable.
- 20 4. Wall Signs. Signs that are mounted parallel to the wall of the building may not extend
21 more than 8 inches from the building face.
- 22 5. Projecting Signs. Projecting signs may not extend more than 3 feet from the building
23 face.
- 24 6. Awning or Canopy Signs. Signs may be incorporated as part of awnings or canopies.
25 Images and lettering should be confined to the vertical face.
- 26 7. Freestanding Signs. Signs erected on the ground or attached to a structure such as a
27 post, pole or column as its sole source of support, should be appropriate to the context,
28 balanced in size and in height and not unduly obstruct the view of the building or the view
29 along the streetscape.
- 30 8. Temporary Signs. Aggregated area of all temporary signs in a window may not exceed
31 more than 20% of the window area and may not remain in place for more than 30 days.
- 32 9. Limited Duration Signs. The provisions of this chapter shall apply to all banners and
33 other limited duration signs as defined by Montgomery County Code Article 59-F.
- 34 10. Sign Materials. Sign materials should be durable and easy to maintain. Appropriate
35 materials include but are not limited to painted or carved wood, aluminum, stone, acrylic,

1 neon, glass, and stained glass.

2 11. Illumination. Light sources external to the sign surface and directed downward
3 toward the sign are preferred. The light level should not overpower the facade or other
4 elements of the building or adjacent streetscape. The light source should be shielded from
5 pedestrian view. Internal lighting may be appropriate where only letters are illuminated or
6 neon is used.

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

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

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

17 **8.40.130 Lighting.**

18 A. Design (Modifications/Replacement).

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

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

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

25 4. The following lighting sources are permitted:

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

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

29 c. Individually lit letters internally or backlit.

30 5. The following lighting methods are not permitted:

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

32 b. Exposed incandescent lamps other than low wattage, decorative type fixtures
33 lighting;

- 1 c. Flood lights which create glares to vehicles, or occupants of buildings;
- 2 d. Low pressure sodium;
- 3 e. Lights which blink, black out, flash, or create a motion effect.
- 4 6. Electrical elements such as wires, conduits, junction boxes, transformers, ballasts,
- 5 switch and panel boxes shall be concealed from view.

6 B. Maintenance.

- 7 1. Low level facade lighting is recommended to be operational to 11:00 pm.
- 8 2. Continuous internal security/police surveillance night lighting is recommended for all
- 9 street level businesses. (Ord. 1999-43 § 2H, 1999)

10 **8.40.140 Rear and side yards.**

11 A. Design (Modifications/Replacement).

- 12 1. Paved rear yards may be used for parking or loading.
- 13 2. Storage or trash containers shall be screened from public view.
- 14 3. Parking areas shall be screened from adjoining residential property.
- 15 4. Refuse and storage areas shall be screened from the view of adjacent properties and
- 16 public rights-of-way. Screening may consist of masonry walls or durable wooden fences not
- 17 less than 4' nor more than 6' high, or compact dense evergreen hedges not less than 4' high at
- 18 time of installation.

19 B. Maintenance.

- 20 1. Yards shall be maintained to provide a neat appearance and not detract from the
- 21 building or surrounding neighborhood.
- 22 2. Refuse and storage areas must be maintained and kept neat in appearance at all times.
- 23 (Ord. 1999-43 § 2I, 1999)

24 **8.40.150 New buildings.**

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

27 **8.40.160 Compliance procedures.**

28 A. Reviews and Approvals.

- 29 1. Design plans are required to be reviewed and approved by Montgomery County before
- 30 proceeding with work.
- 31 2. The City of Takoma Park notes that the Montgomery County Historic Preservation
- 32 Commission may refuse to approve drawings, plans, or specifications that are not suitable or

1 desirable for aesthetic or functional reasons; and shall have the right to take into
2 consideration issues such as, but not limited to, the suitability of the site plan, architectural
3 treatment, plans, elevations, materials and color, construction details, streets, sidewalks, and
4 the harmony of the plans with the surrounding area.

5 3. All demolition applications are subject to review and approval by the Montgomery
6 County Historic Preservation Commission as stipulated under Chapter 24-A of the
7 Montgomery County Code.

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

10 B. Enforcement.

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

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

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

- 22 a. Include a legal description or the street address of the property;
23 b. Include a detailed description of the violation;
24 c. State a reasonable time for the property owner to abate the violation.

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

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

32
33 * * *

1 **Chapter 12.04**

2 **GENERAL PROVISIONS**

3 Sections:

- 4 12.04.010 Definitions.
- 5 12.04.020 Interpretation.
- 6 12.04.030 Authority of City Manager to adopt regulations.
- 7 12.04.040 Interference prohibited.
- 8 12.04.050 Enforcement—Stop work orders.
- 9 12.04.060 Procedure to be followed in case of infractions.
- 10 12.04.070 Charges for City taking corrective action.
- 11 12.04.080 City Manager to have decision-making authority for all trees on City property.
- 12 12.04.090 Inspection for insects and disease—Taking of specimens.
- 13 12.04.100 Permission required to prune, spray, plant or remove from City property.
- 14 12.04.110 Requirement for supervision by a tree expert.
- 15 12.04.120 Exemption from County Code.
- 16 12.04.030 Tree Commission.

17
18 * * *

19 **12.04.030 Tree Commission.**

20 **A. Establishment.**

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

23 **B. Composition.**

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

27 **C. Function.**

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

32
33 * * *

34
35 **Chapter 14.04**

1

NUCLEAR-FREE ZONE

2 Sections:

3 14.04.010 Title.

4 14.04.020 Purpose.

5 14.04.030 Findings.

6 14.04.040 Nuclear facilities prohibited.

7 ~~14.04.050 Investment of City funds.~~

8 14.04.060 Eligibility for City contracts.

9 14.04.070 Exclusions.

10 14.04.080 Violations and penalties—Other remedies.

11 14.04.090 Definitions.

12 ~~14.04.100 Notification.~~

13 ~~14.04.110 Nuclear Free Takoma Park Committee.~~

14 **14.04.010 Title.**

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

16 (Prior code § 8A-1)

17 **14.04.020 Purpose.**

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

25 **14.04.030 Findings.**

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

27 A. The nuclear arms race has been accelerating for more than 1/3 of a century, draining the
28 world’s resources and presenting humanity with the ever-mounting threat of nuclear holocaust.

29 B. There is no adequate method to protect Takoma Park residents in the event of nuclear war.

30 C. Nuclear war threatens to destroy most higher life forms on this planet.

31 D. The use of resources for nuclear weapons prevents these resources from being used for other
32 human needs, including jobs, housing, education, health care, public transportation and services
33 for youth, the elderly and the disabled.

34 E. The United States, as a leading producer of nuclear weapons, should take the lead in the
35 process of global rejection of the arms race and the elimination of the threat of impending
36 holocaust.

- 1 F. An emphatic expression of the feelings on the part of private citizens and local governments
2 can help initiate such steps by the United States and the other nuclear weapons powers.
- 3 G. Takoma Park is on record in support of a bilateral nuclear weapons freeze and has expressed
4 its opposition to civil-defense crisis relocation planning for nuclear war.
- 5 H. The failure of governments of nuclear nations adequately to reduce or eliminate the risk of
6 ultimately destructive nuclear attack requires that the people themselves, and their local
7 representatives, take action.
- 8 I. In view of the Nuremberg Principles, which hold individuals accountable for crimes against
9 humanity, and the illegality of nuclear weapons under international law, in adopting this chapter,
10 this community seeks to end its complicity with preparations for fighting a nuclear war.
- 11 J. The production of nuclear energy creates highly radioactive nuclear waste whose
12 transportation through the City creates substantial risk to the public safety and welfare of the City.
13 (Ord. 2005-29 (part), 2005/prior code § 8A-3)

14 **14.04.040 Nuclear facilities prohibited.**

- 15 A. The production of nuclear weapons shall not be allowed in the City. No facility, equipment,
16 components, supplies or substance used for the production of nuclear weapons shall be allowed in
17 the City.
- 18 B. No person, corporation, university, laboratory, institution or other entity in the City
19 knowingly and intentionally engaged in the production of nuclear weapons shall commence any
20 such work within the City after adoption of this chapter. (Prior code § 8A-4)

21 ~~**14.04.050 Investment of City funds.**~~

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

29 **14.04.060 Eligibility for City contracts.**

- 30 A. The City and its officials, employees or agents shall not knowingly and intentionally grant
31 any award, contract or purchase order, directly or indirectly, to any nuclear weapons producer.
- 32 B. The City and its officials, employees or agents shall not knowingly and intentionally grant
33 any award, contract or purchase order, directly or indirectly, to purchase or lease products
34 produced by a nuclear weapons' producer.
- 35 C. The recipient of a City contract, award or purchase order shall certify to the City Clerk by a
36 notarized statement that it is not knowingly or intentionally a nuclear weapons' producer.
- 37 D. The City shall phase out the use of any products of a nuclear weapons' producer which it

1 owns or possesses. Insofar as non-nuclear alternatives are not available, for the purpose of
2 maintaining a product during its normal useful life and for the purpose of purchasing or leasing
3 replacement parts, supplies and services for such products. Subsections (A) and (B) of this section
4 shall not apply.

5 E. The City Council, ~~upon advice of the Nuclear Free Takoma Park Committee,~~ shall ~~within 6~~
6 ~~months of its appointment and~~ identify a source annually ~~thereafter establish and publish that~~
7 maintains a list of nuclear weapons' producers to guide the City, its officials, employees and agents
8 in the implementation of subsections (A) through (C) of this section. The list shall not preclude
9 application or enforcement of these provisions to or against any other nuclear weapons' producer.

10 F. Waivers.

11 1. The provisions of subsections (A) and (B) of this section may be waived by resolution
12 passed by a majority vote of the Mayor and Council, provided that:

13 a. The Mayor and Council shall determine, after a diligent good-faith search, that a
14 necessary good or service cannot reasonably be obtained from any source other than a
15 nuclear weapons' producer; and

16 b. The City Manager ~~or his or her designee~~ shall provide public notice ~~notify the~~
17 ~~Nuclear Free Takoma Park Committee~~ of the Mayor and Council's intent to consider a
18 waiver resolution ~~30 days prior to the formal consideration of such a resolution and that~~
19 ~~the Committee, upon receipt of such notice, shall provide the City Council with its~~
20 ~~considered advice; provided, however, that failure to provide such advice shall not~~
21 ~~prohibit the City Council from taking appropriate action after the 30 day notification~~
22 ~~period; and~~

23 e. The City Council shall hold a public hearing prior to the passage of a waiver
24 resolution ~~and no sooner than 30 days after the notification to the Committee of the City~~
25 ~~Council's intent to consider such a resolution.~~

26 2. The reasonableness of an alternative source shall be determined upon the consideration
27 of the following factors:

28 a. The intent and purpose of this chapter;

29 b. Documented evidence establishing that the necessary good or service is vital to the
30 health or safety of the residents or employees of the City, with the understanding that the
31 absence of such evidence shall diminish the necessity for waiver;

32 c. The recommendations of the City Manager ~~and the Nuclear Free Takoma Park~~
33 ~~Committee;~~

34 d. The availability of goods or services from a non-nuclear-weapons' producer
35 reasonably meeting the specification or requirements of the necessary good or service;

36 e. Quantifiable substantial additional costs that would result from the use of a good or

1 service of a non-nuclear-weapons' producer, provided that this factor shall not become the
2 sole consideration. (Prior code § 8A-6)

3 **14.04.070 Exclusions.**

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

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

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

23 **14.04.080 Violations and penalties—Other remedies.**

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

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

29 **14.04.090 Definitions.**

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

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

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

37 "Nuclear weapons producer" is any person, firm, corporation, institution, facility, parent or
38 subsidiary thereof or agency of the Federal government engaged in the production of nuclear
39 weapons or their components.

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

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

13 **~~14.04.100 Notification.~~**

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

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

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

28 **~~14.04.110 Nuclear-Free Takoma Park Committee.~~**

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

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

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

- 39 1.—~~The Committee may review any work within the City which it has reason to believe is~~

1 not in compliance with Section 14.04.040 of this Act. The Committee shall inform appropriate
2 legal authorities of suspected violation of this Act.

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

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

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

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

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

36 * * *

1 **Chapter 14.12**

2
3 **NOISE CONTROL**

4 Sections:

- 5 14.12.010 Declaration of policy.
6 14.12.020 Exemption from County Noise Control Ordinance.
7 14.12.030 Definitions.
8 14.12.040 Regulations.
9 14.12.050 Noise level and noise disturbance violations.
10 14.12.060 Noise level and noise disturbance standards for construction.
11 14.12.070 Measurement of sound.
12 14.12.080 Leafblowers and other power lawn tools.
13 14.12.090 Animals.
14 14.12.100 Burglar and vehicle alarms.
15 14.12.110 Exemptions.
16 14.12.120 Waivers.
17 14.12.130 Enforcement and penalties.
18 14.12.140 Noise Control Board.

19 * * *

20 **14.12.140 Noise Control Board.**

21 A. Establishment and Membership.

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

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

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

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

37 5. ~~The Council may, by resolution, remove a Board member before the Board member's~~
38 ~~term has expired if the Council determines that the Board member has become incapacitated~~
39 ~~or has failed to reasonably perform his or her duties as a Board member.~~

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

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

8 B. Hearings on Noise Disturbance Complaints.

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

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

16 a. Delivered to the alleged violator personally;

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

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

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

24 C. Hearing Process.

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

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

35 3. The Board panel may admit and consider evidence which would be commonly accepted
36 by reasonable and prudent people as having a causal relationship to the matter before the Board

1 panel. The Board panel may exclude from evidence irrelevant and repetitious testimony and
2 documents.

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

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

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

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

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

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

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

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

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

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

35
36 AYE:

1 NAY:

2 ABSTAIN:

3 ABSENT:

4

5

6 **Explanatory Note:**

7

8 1. Underlining indicates language being added to the Code.

9 2. ~~Strikethrough~~ indicates language being deleted from the Code.

10