

REGULAR MEETING
MAYOR AND COUNCIL
SEPT. 20th, 1943.

Meeting called to order at eight o'clock P. M. Those present were Mayor Youngblood, Councilmen Heffner, Martin, Russell and Sidell.

The minutes of the Regular Meeting of August 16th, 1943 were approved.

Financial Statement for the month of August, 1943, was presented by the Clerk and Treasurer and ordered filed as follows:

RECEIPTS

General Taxes - - - - -	\$6,174.66
Less Discounts - - - - -	195.64
	<u>5,979.02</u>
Interest and Penalties - - - - -	16.86
Charges - - - - -	13.50
Special Assessments - - - - -	755.65
Building Permits - - - - -	14.00
Electrical Permits - - - - -	4.00
Dog Tags - - - - -	14.25
Misc. Licenses - - - - -	7.50
Prince Georges County Gas Tax - - - - -	855.70
" " " Income Tax - - - - -	649.41
Montgomery County Income Tax - - - - -	3,077.74
" " " Police Telephone - - - - -	12.00
	<u>\$11,399.63</u>

DISBURSEMENTS

STREETS:

Labor	307.96	
Material	192.50	
Storm Sewer Expense	2,556.87	
Street Re-surfacing	1,740.57	
Gas-Oil-Auto Upkeep-Supplies	80.95	
Street Signs	59.32	4,938.17

SERVICE:

Garbage: Salaries	451.88	
Gas-Oil-Auto Upkeep	26.62	
Trash: Salaries	433.93	
Gas-Oil-Auto Upkeep	279.02	
Disposal	68.50	
Street and Traffic Lights	533.25	1,793.20

POLICE:

Salaries	700.00	
Clothing Allowance	40.00	
Gas-Oil-Auto Upkeep	77.50	
Telephones and Light	38.58	
Misc. Supplies	11.90	867.98

OFFICE:

Salaries	675.00	
Postage	6.00	
Telephones and Supplies	<u>39.84</u>	720.84

PARKS AND PLAYGROUNDS:

Labor	125.68	
Material	<u>2.58</u>	128.26

ASSESSABLE IMPROVEMENTS:

Ethan Allen Ave. Walks	<u>250.00</u>	250.00
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MISCELLANEOUS:

Library Assn.	316.66	
Recording Fees	6.75	
Municipal Bldg. Expense	18.39	
Dog Expense	23.40	
Montgomery County Telephone	12.00	
Office Rent	55.00	
Compensation Corp. Counsel	50.00	
E. E. Blodgett Retirement	50.00	
Henry Fields "	25.00	
Justice of Peace Salary	<u>25.00</u>	582.20
		<u>\$9,280.65</u>

BANK STATEMENT

GENERAL ACCOUNT:

7/31/43 - On hand Citizens Bank	\$27,003.73	
Deposits in August	<u>5,017.83</u>	
	32,021.56	
Withdrawn in August	<u>9,270.65</u>	
8/31/43 - On hand		\$22,750.91
7/31/43 - On hand Sub. Nat'l T.P.	16,654.13	
Deposits in August	<u>6,381.80</u>	
	23,035.93	
Withdrawn in August	<u>10.00</u>	
8/31/43 - On hand		<u>23,025.93</u>
8/31/43 - On hand in all banks		<u>\$45,776.84</u>

REVOLVING FUND:

7/31/43 - On hand Sub. Nat'l T.P.	323.72	
No deposits or withdrawls in Aug.	_____	
8/31/43 - On hand		323.72
7/31/43 - On hand Citizens Bank	6,000.00	
No deposits or Withdrawls in Aug	_____	
8/31/43 - On hand		<u>6,000.00</u>
8/31/43 - On hand in all banks		<u>\$6,323.72</u>

COMMUNICATIONS: From the Potomac Electric Power Co. regarding lights on the pillars at the entrance of Merewood Drive in New Hampshire Ave. Highlands. Referred to the Municipal Service Committee.

From the Public Utilities Commission of the District of Columbia, the Capital Transit Co. and Honorable J. Glenn Beall, regarding the re-establishment of bus service to and from Takoma Park, Maryland.

From the Board of Education of Prince Georges County regarding the school playgrounds at the J. Enos Ray School, in which the Board of Education advised that they would look into the matter of the playgrounds and make the necessary improvements in same.

From J. H. Bowen, Attorney for G. H. Smith, offering \$39.85 settlement for back taxes on Lot 1 in Block 60, Gilbert's Subdivision. Referred to the Finance Committee.

From Mrs. H. Nichter, regarding a water bill for excessive use of water, caused by a break in the water main due to the installation of the new storm sewer in Spring Ave. Referred to the Municipal Works Committee.

From the Takoma Park Presbyterian Church, addressed to Mr. George A. Cook, regarding storm sewer at the corner of Maple and Tulip Avenues. Referred to the Municipal Works Committee.

Communication from twenty five residents in the Lincoln and Larch Avenue vicinity, regarding the bad condition of Cherry Avenue, and asking that same be repaired. Referred to the Municipal Works Committee.

From Mr. Saunders Love of 710 Auburn Avenue, regarding the storm sewer in Auburn Avenue, Mr. Love complaining that the present sewer was not adequate to take off the flow of storm water in a heavy rain, causing same to back up on his property. Referred to the Municipal Works Committee.

From Mr. E. H. Walker, requesting permission of the Mayor and Council to cut down an old rotten tree in the right-of-way of Boston Avenue between Piney Branch Road and Takoma Avenue. Referred to the Municipal Works Committee.

Petition from twenty five residents in the vicinity of Elm and Poplar Avenues, protesting the erection of a swimming pool in Spring Park, at the corner of Poplar and Elm Avenues, also letters from Mr. Quinn and Mr. Manley, protesting the construction of this swimming pool. Referred to the Public Health and Welfare Committee.

Mrs. M. Blackwell of 336 Baltimore Avenue and Mr. E. J. Parker of 340 Baltimore Avenue appeared before Council regarding the storm sewer running into Baltimore Avenue from North Takoma, and requesting that steps be taken to prevent this storm sewer from over-flowing in heavy rains where the storm sewer enters Baltimore Avenue. Councilman Russell advised that he would look into this matter and see if anything could be done to correct this over-flow.

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TAXI
Attorney Ralph G. Shure appeared before Council as attorney for a group of taxicab owners, and advised Council that eleven of the taxicab owners had signed a request to the Council asking that the town recognize them as an association, and grant permission for the installation of a telephone to be used by the association in the conduct of its business. Mr. Shure stated that the proposed organization had a large investment in cabs, and that if they were recognized by the town they would be willing to accept and abide by any rules and regulations governing the operation of taxicabs in the town, as ordered by the Mayor and Council. Mr. Shure stated that the association would be known as the "Takoma Park Taxi Service".

Mrs. Mary M. Lewis of 801 Larch Avenue and Mr. Richard Williams of 705 Larch Avenue, addressed Council regarding the condition of Cherry and Larch Avenues, and requested that steps be taken to give

them a street that was passable, as the street at the present time was in such a condition that they could not have any service to their properties.

Mr. John Quigley of the New Hampshire Avenue Subdivision Citizens Association appeared before Council and stated that he hoped the town would not delay in authorizing the installation of the two lights on the pillars at the entrance of Merwood Drive, and also requested that the holes in this street be fixed at the earliest possible moment.

Mr. Quigley also advised that in the past few months the trash collection service in that new section had not been very good.

Mayor Youngblood advised Mr. Quigley that these matters would be looked into and an effort made to correct the complaints.

Mr. James Randall of Gude Avenue appeared before Council in behalf of the Hampshire Knolls Citizens Association, regarding the storm sewer conditions in that section, and stated that the conditions there were very bad. Mr. Randall was advised that Hampshire Knolls being out of the corporate limits the town was powerless to take any steps in connection with same, and was advised to take the matter up with the Prince Georges County Commissioners.

MUNICIPAL SERVICE COMMITTEE: With reference to the request of the Takoma Park Taxi Service, that the organization be recognized by the Town of Takoma Park, after a lengthy discussion of this matter, Councilman Sidell moved that the town recognize the Takoma Park Taxi Service engaged in the taxi business in the Town of Takoma Park, Maryland. This motion was seconded by Councilman Martin and approved.

Regarding the matter of installation of telephone for use of the new Taxi Association, Councilman Sidell moved that the present telephone located in the parking in Laurel Avenue, known as SH 6070, be removed from Town Property, and the Council authorize the installation of a telephone, to be installed in said parkway in the name of, to the use of and at the cost of the association known as the "Takoma Park Taxi Assn.". This motion was seconded by Councilman Martin and approved.

Councilman Sidell also laid before Council for discussion a proposed Ordinance covering the operation of taxicabs within the corporate limits of the Town of Takoma Park. After a thorough discussion of the Ordinance by the Mayor and Council and Corporation Counsel D. D. Lamond, Councilman Martin moved the adoption of the Ordinance as follows:

Ordinance No. 819

BE IT ORDAINED, ORDERED AND ENACTED BY THE COUNCIL OF THE TOWN OF TAKOMA PARK, MARYLAND, That the following Revisions and Amendments to the "POLICE REGULATIONS OF THE TOWN OF TAKOMA PARK, MARYLAND", as ordered and declared by Ordinance, on April 6th, 1933, be and the same are hereby enacted as Ordinances of said Town of Takoma Park.

Section 1.

That Article 4 of said "Police Regulations of the Town of Takoma Park, Maryland", be and the same is hereby revised and amended, by striking out Sections 1 to 15, both inclusive, of said Article 4, and by inserting in lieu thereof the following 32 SECTIONS, to be and constitute the Rules and Regulations governing the control and operation of taxicabs, taxis and automobiles for hire, in the Town of Takoma Park, Maryland.

Section 2.—Definitions.

Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of these rules and regulations, be given the meanings hereinafter subjoined to them:

(a) The term "automobile for hire", the term "taxicab", and the word "taxi", shall severally embrace any motor vehicle for hire, designed to carry seven persons or less, including the driver, operated on demand or call, accepting or soliciting passengers indiscriminately for transportation in the Town of Takoma Park, Maryland, or between points with said Town and nearby points, not operating on a fixed schedule or between fixed termini. The fact that a hiring car operated from a stand on a public street shall be prima facie evidence that the service rendered is taxicab service.

*amended by No. 1002
(20.32)*

(b) The word "Licensee" means the individual, partnership, company or corporation, to whom a permit has been issued as herein provided, and shall include all agents and employees of such licensee.

(c) The word "Operator" means the person engaged in driving a taxicab, for which a permit has been issued, and operating in the Town of Takoma Park, Maryland.

(d) The words "Owner" and "Lessee" mean the individual, partnership, company or corporation, who has the actual and lawful right to the possession and control of the motor vehicle or taxicab.

(e) The word "Company" includes every corporation, association, partnership, group of individuals, or individual, owning, controlling, operating or managing one or more taxicabs operating in the Town of Takoma Park, Maryland.

(f) the word "Permit" means a permit issued, as herein prescribed, by the Mayor and Council of the Town of Takoma Park, Maryland.

*revised by
20.3.2*

(g) The word "Person" includes every person, partnership, company, association, corporation, group of individuals, or individual owning, controlling, operating or managing one or more taxicabs operating in the Town of Takoma Park, Maryland.

(h) The word "State" means the State of Maryland.

(i) The word "Town" means the Town of Takoma Park, Maryland.

(j) The term "Mayor and Council" means the Mayor and Council of the Town of Takoma Park, Maryland.

(k) Chief of Police—Chief of Police officer.

Section 3.

That the public taxicab stand heretofore established, designated and existing on the southerly side of Carroll Avenue, westerly from the corner of Laurell Avenue, and opposite the Citizens Bank, in the Town, be and the same is hereby discontinued and abolished, and any and all ordinances and orders establishing, creating, or designating the same are hereby repealed.

Section 4.

The Mayor and Town Council may from time to time, establish, set aside and designate taxicab stand or stands with the Town of Takoma Park, reserved exclusively for taxicabs lawfully operating as and in compliance with the Ordinances governing taxicabs within the Town of Takoma Park, such stand or stands to be marked and delineated and indicated by appropriate signs to be erected by the Town.

Section 5.

Taxicabs not using designated stands as prescribed in these Ordinances except when lawfully discharging or receiving bona fide passengers, shall prominently display on said taxi a sign marked "off duty."

Section 6.

That no person, other than the lawful licensee or operator of a taxicab, taxi or automobile for hire, duly licensed as herein provided, shall park or permit to stand any automobile or other vehicle, in the public automobile or taxicab stand, created, established, set aside and designated in and by Section 4 hereof.

Section 7.

That no person, company, or corporation shall, in the Town, operate a taxicab, taxi, or automobile for hire, as herein defined, or carry on the business of soliciting passengers for hire or carrying or transporting passengers for hire, or shall so solicit passengers for hire, or so carry or transport passengers for hire, in any automobile or other vehicle, unless and until such person, company or corporation shall have been granted a permit so to do by the Mayor and Council, upon a written application therefor, and in accordance with the provisions of this Article; and it shall be unlawful for any person, company or corporation to carry on such business or to so solicit or carry passengers for hire in the Town, except under and as authorized by such a permit, and in strict compliance with the terms of such permit and with the provisions of this Chapter.

Sec 20, 32

Section 8.

That no permit shall be granted to operators or owners of taxicabs except upon written application furnished by the Chief of Police showing the full name, address, by whom employed, length of residence in Town, residence for the past five years, record of arrests and convictions, if any; including motor vehicle laws or ordinances; current Maryland chauffeur license number, date of expiration thereof, age, color, sex, height, weight, color of eyes, color of hair, married or single. Operators shall also furnish to the Chief of Police a copy of his or her finger prints, which shall be taken at the Police Station in Takoma Park, without charge to the applicant. Operators must also furnish to the Chief of Police three photographs of himself of a size and character to be prescribed by the Chief of Police. Owners of cars who rent or lease the same for taxicabs must furnish the Town with their name and address, a description of the vehicle to be used as a taxicab, the tag number, title number and sufficient proof that such vehicle is owned or leased by such owner, evidence showing the responsibility of said owner to properly serve and protect the public and that said owner has read these Rules and Regulations and that he agrees to comply with the requirements thereof, if such owner be a corporation, the name and address of the president and secretary shall be given, as well as the full corporate name. If the owner or owners of such a car be a partnership, it shall give the names, addresses and age of each partner and the extent of the interest that each has in the taxicab business.

Section 9.

That the Mayor and Council may, at their discretion, grant a permit or permits to any person, company or corporation to carry on the business of soliciting and carrying of passengers for hire in a taxicab, taxi, or automobile for hire, in the Town, upon any such application properly filled out and executed as herein prescribed, and upon the payment by the applicant to the Town of an annual license fee of \$5.00 for each

Superseded by
76-877 (17:202)

vehicle so licensed, same not subject to proration for part of the year, and upon full compliance with the provisions of this Chapter, and not otherwise, the annual license year to be considered from January 1st to December 31st of each year, and shall be made subject to revocation by the Mayor and Council. Such permit shall be non-transferable, and shall be good only to the licensee therein named, or to his agent or employee, as herein provided.

Section 10.

See 20132

That no such permit shall be granted by the Mayor and Council, except upon a written application therefor, as herein prescribed, nor shall any such permit be granted to any person, company, or corporation, unless the Mayor and Council shall have found that the applicant therefor is of good moral character, is the owner or lessee of the vehicle to be used as a taxicab, taxi, or automobile for hire, is duly licensed to operate the same under the laws of the State of Maryland, and is responsible for the proper operation of a public conveyance for hire. The determination of the fitness, qualifications and responsibility of the applicant shall be vested in the discretion of the said Mayor and Council.

Section 11.

That the Mayor and Council shall have, and hereby reserve, the full right, in their discretion, to revoke any such permit, after due notice to the licensee, and after a hearing accorded to him, if so requested by the licensee within five days from mailing to him of such notice; and upon such revocation all rights and privileges granted under such permit shall thereupon cease and be null and void, and the license fee paid therefor shall become forfeited to the Town, and thereafter it shall be unlawful for such licensee or any employee or agent of such licensee, to carry on the business of soliciting or carrying of passengers for hire in the Town, or to park or to permit to stand upon any street or public way in the Town, including said public taxicab stand, any taxicab, taxi, or automobile for hire.

Section 12.

That any such permit may, in the discretion of the Mayor and Council, be renewed until the 31st day of December, next ensuing after the expiration of such permit, but only upon the payment by the licensee to the Town of the sum of \$5.00 as a yearly license fee, and only upon a written renewal thereof by the Mayor and Council, upon such terms and conditions as may be prescribed by the Mayor and Council: Provided, however, that if a permit should be revoked for any reason, it will not be renewed, nor a new permit issued in its stead, during a period of six months from the date of revocation, unless due to exceptional circumstances, the Mayor and Council should modify such requirement.

Dec 20, 1932

Section 13.

That every person, company or corporation, operating one or more taxicabs, taxis, or automobiles for hire, to whom such a permit or permits shall be issued, shall be assigned a license number for each such vehicle, and shall be furnished with a "Permit Card" for each such vehicle, on such form as from time to time may be prescribed by the Mayor and Council, which "Permit Card" shall contain such license number, and the name and address of the licensee. Such "Permit Card" shall be displayed publicly at all times in a conspicuous place in the taxicab for which issued, and shall be subject to inspection at any time by any police officer. Every such licensee shall have "Takoma Park Taxi," together with such license number, permanently painted on one door on each side of each such taxicab in letters at least 2½ inches high.

Section 14.

That the operator of any such taxicab, taxi, or automobile for hire shall carry at all times, in a conspicuous position upon his breast, while operating any such taxicab, taxi, or automobile for hire, a badge or shield, to be furnished by the Town upon a deposit by the licensee with the Town of a sum of \$2.75 for a shield or badge, registration certificate

and copy of the Ordinances covering the regulation of taxicabs in the Town of Takoma Park, of which sum \$2.00 will be returned by the Town to such licensee upon surrender of such badge or shield. When a licensee ceases to operate a taxicab in the Town he shall turn in all cards and badge or shield issued to him within 24 hours, to the Town Clerk of said Town of Takoma Park; and shall also at all times, have affixed to the interior of said vehicle operated by him, in a place readily to be seen by passengers, an identification card, displayed in full view, bearing the operator's photograph and his name in letters of sufficient size to be easily read by passengers; and no person, Company, or corporation shall operate any such taxicab, taxi, or automobile for hire in the Town, unless there shall be displayed thereon and therein the information, "Permit Card", badge and identification card, as is provided for and prescribed in Sections 13 and 14 hereof.

Section 15.

That no taxicab, taxi, or automobile for hire, operating under a permit of the Mayor and Council, shall be operated in the Town except by the owner of such taxicab, taxi, or automobile for hire, or by a duly approved agent or employee of such owner. It shall be lawful for any owner of one or more taxicabs, taxis, or automobiles for hire to apply for separate permits to operate the same, and separate permits shall be secured for each of such taxicabs, taxis, or automobiles for hire, as herein provided; and the license fee herein prescribed shall be paid for each taxicab, taxi, or automobile for hire so licensed. Whenever any taxicab, taxi, or automobile for hire, duly licensed as herein provided, shall be operated by an agent or employee of the licensee, such agent or employee shall be first approved by the Mayor and Council as to his fitness, qualifications and responsibility, as herein prescribed in the case of an applicant for a permit, and every such agent or employee, before operating such taxicab, taxi, or automobile for hire, shall secure a badge or shield and an identification card, as is provided in Sections

Sec 20:32

8 and 14 hereof. Every licensee shall be responsible for the Acts of his agents and employees, while operating a taxicab, taxi, or automobile for hire, equally as though such licensee were himself operating the same, and his permit may be revoked for the violation of or failure to comply with these regulations on the part of every such agent or employee. The Mayor and Council reserve the right to revoke the badge or "identification card" of any such agent or employee, in which case the right of such agent or employee to operate such taxicab shall thereupon cease.

Section 16.

That it shall be unlawful for the owner or lessee of any such taxicab, taxi, or automobile for hire to enter into any contract, agreement or understanding with the operator, by the terms of which such operator pays such owner a fixed or determinable sum for the use of such taxicab, and is entitled to all or any of a portion of the proceeds of operation.

Section 17.

That no taxicab, taxi, or automobile for hire shall be driven by a person who is addicted to the use of narcotics or intoxicating liquor; who is not of good moral character; who is mentally deficient to such an extent as to impair his ability to properly and efficiently operate the same; who is not experienced in operating motor vehicles and fully competent to conduct taxicab service carefully and courteously; or who has not obtained an operator's license as is required by and under the laws of the State of Maryland.

Section 18.

That it shall be unlawful for any such licensee, or his agents and employees, to congregate or loiter upon any sidewalk or public place in the Town, while parked within any public taxicab stand designated by the Mayor and Town Council and it shall be unlawful for any such licensee, or his or its agents and employees, to permit any such vehicle to be used as a loitering place or for the congregating of any

persons in such vehicle, except bona fide passengers for hire; any use of such vehicle as a loitering place, or for any other purpose than that of a taxicab, taxi, or automobile for hire, as herein defined, will be deemed, ipso facto, to be cause for revocation of the licensee's permit.

Section 19.

That no person, company or corporation, or any agent, or employee thereof, operating a taxicab, taxi, or automobile for hire, shall deposit, cast or throw, or cause or permit to be deposited, cast or thrown, any paper, cards, pamphlets, refuse matter, or waste matter, in or upon any public street, sidewalk, or public space or upon any premises adjacent and addition shall be the duty of every such licensee and his agents and employees to see to it that the public taxistand, herein established and referred to, is at all times kept clean and free from debris or other foreign matter.

Section 20.

That every operator of a taxicab, taxi or automobile for hire shall, at all times, promptly report to the Police Department of the Town all property of value left in their vehicle by any passenger.

Section 21.

That any taxicab, taxi, or automobile, which is in an unsafe, unsanitary, or unsightly condition, in the opinion of the Chief Police Officer of the Town, may be condemned by him, and if the owner or his or its agent or employee shall thereafter continue to use said vehicle, without having made the same safe, sanitary and wholesome, to the satisfaction of the said Chief Police Officer, the permit issued hereunder for such taxicab, taxi or automobile for hire may be revoked, as herein provided.

Section 22.

That immediate notice in writing shall be given by the licensee or operator to the Chief Police Officer of the Town of every accident in which a taxicab, taxi or automobile for hire is involved, where such accident occurs while the cab or vehicle is occupied

by a passenger, or results in loss of life or serious injury to persons or substantial damage to property, or results in the removal of such vehicle from service for more than twenty-four hours. Such report is in addition to the report required by the Commissioner of Motor Vehicles.

Section 23.

Passengers are not permitted to ride on the front seats of taxicabs until the rear seat thereof is fully occupied. The word "Passenger" used herein to include occupants of any taxicab, except the operator.

Section 24

When any taxicab is standing on the stand or space designated by the Mayor and Council, the operator thereof shall be at all times within 5 feet of his taxicab.

Section 25.

That every such licensee and operator, as herein described and provided for, shall, at all times, permit any police officer to inspect any such vehicle so licensed, the license to operate the same, and the permit to use the same as a taxicab, taxi or automobile for hire, and shall at all times, obey the directions of any such police officer as to traffic regulations and traffic control.

Section 26

For the purpose of fixing taxicab rates within the corporate limits of the Town of Takoma Park, it is hereby determined that the corporate limits of the Town of Takoma Park shall be one zone and the following rates shall apply within said zone, viz:

1—Taxicab fare for one passenger 25 cents.

2—Taxicab fare for two or more passengers shall be 20 cents each.

Said rates to be displayed on one or more side windows of each cab.

Section 27.

That the owner or lessee of any taxicab, taxi, or

automobile for hire, to which the provisions of this Chapter are applicable, who shall cause or permit, or suffer to be caused or permitted, by himself, by his agent or employee, or by any other person, any violation of these regulations, or any of them, or the operation of any such vehicle contrary to the requirements of this Chapter, shall himself be deemed guilty of a violation of the same as fully as as though he were himself operating such vehicle personally at the time; and, in the case of a corporation, the agent or employee thereof, who shall violate, or procure, aid or abet any such violation, of any provision in this Chapter, or permit the operation of any such vehicle contrary to the requirements thereof, shall be deemed personally guilty of a violation thereof.

Section 28.

No person, company, or corporation having the possession, control, use, or disposal of any automobile or other vehicle run or drawn by its own power, having a seating capacity for more than 10 persons and used for the purpose of carrying passengers for hire, shall stop the same on any of the public spaces, streets, avenues, or alleys in the Town, for a longer time than five minutes; or, while en route and for the purpose of discharging or receiving passengers, for a longer time than is reasonably necessary; Provided, that with the written permission of the Mayor and Council, not more than two such vehicles may be kept standing at any one time in front of or adjacent to the offices or agencies of the owner, proprietor, person, company, or corporation having the possession, control, use, or disposal thereof, where there is accommodation for waiting passengers, employees, and other business appertaining thereto, and then only between the hours of 6 o'clock A. M. and 6 o'clock P. M., except, however, that on occasions of large gatherings the Mayor and Council may, upon application in writing, extend this time limitation.

Sec 20, 32

Section 29.

The formulation and enactment of these rules and regulations shall not in any way preclude the Mayor and Council from altering or amending them, in whole or in part, or from requiring any other additional service, facility or standard, either upon complaint, or in the discretion of the Mayor and Council, or upon application of any licensee hereunder.

Section 30.

That any person, company or corporation, who shall violate any of the provisions of this Chapter, or any provision of any permit issued hereunder, or who shall refuse or neglect to obey, fulfill or comply with any of the provisions of this Chapter or of any permit issued hereunder, shall be guilty of a misdemeanor, and, upon conviction of such violation, refusal or neglect, shall be punished by a fine therefor of not less than \$10.00, nor more than \$50.00, for each offense, and in default of the payment of any such fine, by imprisonment for a period of not exceeding 30 days, or until such fine shall have been paid.

Section 31.

That nothing contained in this Chapter shall be deemed to repeal or affect any other Ordinance, Police Regulation, Traffic Regulation, Municipal Regulation or Order of the Town, except as herein expressly stated, and except insofar as expressly inconsistent therewith, and, in that case, only to the extent of such inconsistency.

Section 32.

That this Ordinance shall take effect on and as of October 1, 1943, except present outstanding taxicab permits shall remain effective until December 31, 1943, unless revoked as provided in Police Regulations of the Town of Takoma Park, Maryland.

Passed, enacted and adopted this 20th day of September, 1943.

*Superseded by
No. 1002 (20:33)*

The adoption of this Ordinance was seconded by Councilman Sidell and upon a Yea and Nay vote same was adopted, voting Yea, Mayor Youngblood, Councilmen Heffner, Martin, Russell and Sidell. Voting Nay, none.

MUNICIPAL WORKS COMMITTEE: Councilman Russell, Chairman, brought to the attention of Council a Plat signed by Engineer Seybolt in connection with the extention of Manor Circle through to Boyd Avenue, and advised Council that only the acquiring of one lot was necessary in order to make this extention, same being Lot 4 in Block 91, owned by Mr. C. S. Thomas. After discussion of this matter the Clerk was authorized to

write Mr. Thomas and ascertain if the lot was for sale, and if so, the price for which he would sell the lot to the town.

Councilman Russell also advised Council, with reference to the paving of Greenwood Avenue, that the Engineer was working on the grades of this street, and that comparing the grade of the street with the grade approved by the Washington Suburban Sanitary Commission several years ago, it was thought that the Sanitary Commission pipes were not sufficiently low enough under the ground to eliminate the danger of freezing during the winter, and that the grade as shown on the Plat of the Washington Suburban Sanitary Commission would require an additional fill. Councilman Russell stated that this matter would be gone into further with the Sanitary Commission to ascertain definitely whether the Sanitary pipes were down far enough to be out of danger if the present grade of the street was used.

Regarding the letter from Mrs. Harry Nichter of Spring Avenue, in connection with the breaking of a main while laying the Spring Avenue storm sewer, Councilman Russell advised that this water main had been broken and that some additional water had wasted through same. After discussion of this matter it was the general opinion of the Council that this work having been done by a private contractor, the Town would, therefore, not be responsible for the additional water bill, and the Clerk was authorized to write Mrs. Nichter and request that she place her claim with the contractor, Eyre & Smallwood.

Regarding the communication from Lieutenant Sanders Love, in reference to storm sewer in Auburn Avenue, Councilman Russell stated that it was his opinion that we should write Lieutenant Love that the Town will go into this matter and take such local action as possible in an effort to eliminate the water from backing onto his property, but that the Town is not in a position at this time to install a storm sewer along New Hampshire Avenue. After discussion of this matter the Clerk was authorized to write Lieutenant Love as above.

Regarding the communication from Mr. E. H. Walker about the dead tree in Boston Avenue, which he has asked permission to cut down for fuel, Councilman Russell moved that Mr. Walker be granted permission to remove this tree under the supervision of the Supt. of Public Works, said tree to be cutdown to at least two feet under the grade of the street. This motion was seconded by Councilman Martin and approved.

The matter of enlargement of the storm sewer from Spruce Avenue through to Maple Avenue was discussed, and Councilman Russell recommended that we get bids on adding a three foot pipe along side of the present two foot pipe for that area along Maple and Philadelphia Avenues, and after discussion of this matter Councilman Russell moved that we take bids for the adding of a three foot in diameter pipe for an area length of approximately 300 to 320 feet, to be laid along side the present 24" pipe, across and down Maple Avenue and across Philadelphia Avenue to connect with the two present $3\frac{1}{2}$ x $3\frac{1}{2}$ foot culvert now constructed there. This motion was seconded by Councilman Martin and approved.

The matter of continual wash-outs along Jackson Avenue, starting at Lincoln Avenue, was discussed at length and Councilman Russell stated that he believed that if a curb and gutter was constructed abutting the Griffin, Breen and Lake properties in Jackson Avenue, and the storm water from there on properly taken care of, that these continual wash-outs would cease. Councilman Russell stated that the Breens were in favor of this curb and gutter, and from a conversation with Mr. Griffin, he would not oppose it. As to Mr. Lake, Councilman Russell stated that he would be glad to personally contact Mr. Lake also, and make an effort to get these people to sign a petition for the construction of this curb and gutter, thereby, eliminating the necessity of advertising same of a hearing.

After discussion of this matter Councilman Russell offered the following Ordinance for adoption, same to be carried out provided all property owners would sign for this improvement, waiving the advertising and hearing.

ORDINANCE NO. 820

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TAKOMA PARK, MARYLAND.

Section 1. That the owners of Lots 14 and 14A in Block 37, Gilbert Subdivision, and Lots 10 and 11 in Block 36, Gilbert Subdivision, having waived all legal requirements in the way of advertising and hearing, the Municipal Works Committee, through its Supt. of Public Works, is hereby authorized to proceed immediately, or as soon as possible, to construct cement concrete curb and gutter abutting the above lots in Jackson Avenue, and to employ any additional help necessary in the construction of same.

Section 2. That assurance is made that this curb and gutter is constructed to proper grade, and the cost of the construction of the work to be held to a sum not to exceed One Thousand (\$1000.00) Dollars.

Section 3. That the cost of the construction of this curb and gutter be assessed in the regular manner against the owner abutting the improvement.

The adoption of this Ordinance was seconded by Councilman Heffner and upon a Yea and Nay vote same was adopted, voting Nay, Mayor Youngblood, Councilmen Heffner, Martin, Russell and Sidell. Voting Nay, none.

FINANCE COMMITTEE: Bills in amount of \$6,479.48 were presented by the Finance Committee for payment, and payment of same was approved.

Supt. of Public Works Fischer advised Council that for the present at least, garbage would have to be taken to the incinerator, as the hog farm to which garbage had been hauled had been discontinued.

In the absence of Councilman Carr, Chairman of the Finance Committee, the annual audit of the books of the Town Clerk and Treasurer was presented to the Council by the Clerk and Treasurer, the audit showing overage of \$4.01 overliability, and on motion of Councilman Martin, seconded by Councilman Sidell, this audit was ordered accepted, same to be published in the local newspaper for the benefit of the public.

Regarding the communication from Mr. James H. Bowen, Attorney in behalf of Mr. G. H. Smith, offering \$39.85, being the general taxes less penalties, in payment of taxes for Lot 1 in Block 60, Gilbert

Subidvision, and of the assignment of the Tax Sale certificate, on motion of Councilman Martin, seconded by Councilman Heffner, Council accepted the offer of Mr. Bowen, and the Clerk was instructed to so advise Mr. Smith.

Application was received from Mrs. Gillian W. Lamond for the purchase of a Tax Sale Certificate of April 16th, 1941, on property assessed in the name of Harry S. & F. E. Hunt, Mrs. Lamond agreeing to pay the total amount of sale plus interest and costs, and also any unpaid taxes and penalties. After discussion of this matter, on motion properly seconded, Council approved the sale of this Certificate to Mrs. Lamond.

Application was also received from ~~Mrs. Lillie L. Elliott~~ Roy and Lillie L. Elliott for the purchase of Tax Certificates on Lots 36 and 45 in Block 50, assessed in the name of Eva H. Fraser, agreeing to pay the full amount of Tax Sale plus costs, with the understanding that all penalties be eliminated. After discussion of this matter, on motion of Councilman Martin, seconded by Councilman Sidell, Council approved the sale of this Certificate to ~~Mrs. Lillie L. Elliott~~ the Elliotts, with the understanding that all penalties be eliminated from unpaid taxes.

The following Ordinance was presented to the Mayor and Council by the Clerk and Treasurer:

ORDINANCE NO. 821

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TAKOMA PARK, MARYLAND.

Section 1. That the assessment submitted by the Town Clerk and Treasurer covering the construction of cement concrete curb and gutter in Elm Avenue abutting lots 1 and 2 in Block 115, Glazewood Manor Subdivision, as authorized under provision of Ordinance No, 806, passed and approved by the Mayor and Council on March 22nd, 1943, said assessment being fixed at \$1.00 per linear foot, be and the same is hereby approved. AC, 96)

Section 2. The assessment herein approved shall be due and payable within ninety days from this date, provided, however, that if so desired said assessment may be paid in five equal annual installments, the first due and payable within ninety days of the approval thereof, and each subsequent annual payment due and payable likewise in each succeeding year until paid, provided further that payment in any amount may be made between the said annual payments if so desired. Interest at the rate of six per cent per annum will be charged on deferred payments, said interest beginning thirty days from the date of levy.

ORDINANCE NO. 820

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TAKOMA PARK, MARYLAND.

Section 1. That the owners of Lots 14 and 14A in Block 37, Gilbert Subdivision, and Lots 10 and 11 in Block 36, Gilbert Subdivision, having waived all legal requirements in the way of advertising and hearing, the Municipal Works Committee, through its Supt. of Public Works, is hereby authorized to proceed immediately, or as soon as possible, to construct cement concrete curb and gutter abutting the above lots in Jackson Avenue, and to employ any additional help necessary in the construction of same.

Section 2. That assurance is made that this curb and gutter is constructed to proper grade, and the cost of the construction of the work to be held to a sum not to exceed One Thousand (\$1000.00) Dollars.

Section 3. That the cost of the construction of this curb and gutter be assessed in the regular manner against the owner abutting the improvement.

The adoption of this Ordinance was seconded by Councilman Heffner and upon a Yea and Nay vote same was adopted, voting Nay, Mayor Youngblood, Councilmen Heffner, Martin, Russell and Sidell. Voting Nay, none.

FINANCE COMMITTEE: Bills in amount of \$6,479.48 were presented by the Finance Committee for payment, and payment of same was approved.

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The following Ordinance was presented to the Mayor and Council by the Clerk and Treasurer:

ORDINANCE NO. 821

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TAKOMA PARK, MARYLAND.

Section 1. That the assessment submitted by the Town Clerk and Treasurer covering the construction of cement concrete curb and gutter in Elm Avenue abutting lots 1 and 2 in Block 115, Glazewood Manor Subdivision, as authorized under provision of Ordinance No, 806, passed and approved by the Mayor and Council on March 22nd, 1943, said assessment being fixed at \$1.00 per linear foot, be and the same is hereby approved. A(4, 46)

Section 2. The assessment herein approved shall be due and payable within ninety days from this date, provided, however, that if so desired said assessment may be paid in five equal annual installments, the first due and payable within ninety days of the approval thereof, and each subsequent annual payment due and payable likewise in each succeeding year until paid, provided further that payment in any amount may be made between the said annual payments if so desired. Interest at the rate of six per cent per annum will be charged on deferred payments, said interest beginning thirty days from the date of levy.

There being no further business, on motion properly seconded, Council adjourned at 1:10 A. M.

J. H. M. Doll
 Clerk
Sidell

O. W. Youngblood,
 Mayor

REGULAR MEETING
 MAYOR AND COUNCIL
 OCTOBER 25th, 1943.

This meeting was called to cover the Regular Meeting of October 18th, 1943, which meeting was not held due to a quorum not being present.

Meeting called to order at eight o'clock P. M. Those present were Mayor Youngblood, Councilmen Carr, Martin, Heffner, Russell and Sidell.

The minutes of the Regular Meeting of September 20th, 1943 were approved.

Bills in the amount of \$3119.80 were presented by the Finance Committee, and payment of same approved.

The Treasurer's report for the month of September was presented by the Clerk and Treasurer and ordered filed as follows:

RECEIPTS

General Taxes - - - - -	\$5,822.19
Less Discounts - - - - -	133.06
	<u>5,689.13</u>
Interest and Penalties - - - - -	52.58
Charges - - - - -	13.50
Special Assessments - - - - -	672.92
Building Permits - - - - -	19.00
Electrical Permits - - - - -	3.00
Dog Tax - - - - -	9.25
Taxicab Permits - - - - -	4.50
Montgomery County Fines - - - - -	24.50
" " Police Telephone - -	12.00
Commission Pay Telephone-Police Station	2.12
Street Material sold (H.Hirst) - - - -	12.07
	<u>\$6,514.57</u>