SPECIAL MEETING
MAYOR AND COUNCIL

July 6, 1953

Mayor Beville called the meeting to order at 8:55 p. m. Those present: Councilmen Eccleston, Klinck, Kramer, Miller, McClenon and Parkhill. Absent: Councilman Tymeson.

CORRESPONDENCE:

1. Letter from Donald D. Lamond regarding rooming house Ordinance stating he did not favor the provisions as set forth for the control of apartments and rooms, etc. Referred to Public Welfare Committee.

2. Letter from Mrs. Gerrge A. Cook, thanking the City for the housing of The Health Center for so many years andasked that the 4 benches and 3 tables be placed in Heffner Park if at all possible. Referred to Parks & Recreation Committee.

3. Letter from Mr. Mathews of the North Takoma Citizens Assn. commending Mr. Miller for the assistance given in preparing plan that will make Washington Park mor useful. Referred to Parks and Recreation Committee.

4. Letter from Mr. Mathews of the North Takoma Citizens Assn. concerning matter of routine street maintenance such as cutting away vegetation that impairs visibility. Referred to Public Works Committee.

5. Letter from Mr. G. W. Deardorff opposing rooming house Ordinance. Referred to Public Welfare Committee.

PUBLIC WELFARE COMMITTEE:

Councilman Eccleston moved the appointment of Mr. Peter Remsen as City Building Inspector at a salary of $3600.00 per annum plus $20.00 per month for automobile allowance, effective as of July 1, 1953.

Upon being seconded and put to question the motion was carried.

Councilman Eccleston moved that a suitable office be furnished and equipped for the Building Inspector.

Upon being seconded and put to question the motion was carried.

Councilman Eccleston presented the following Bids on the Chassis F-800:

1. Monroe Ford Co. $3523.00 net - less deduction of $155.00 for single speed axle if desired.

2. Takoma Motor Co. $2951.00 net - based on the understanding that the City of Takoma Park furnish excise tax exemption certificate.

3. Handley Motor Co. $3089.92 less from $175.00 to $200.00 upon presentation of excise tax exemption certificate.

Councilman Eccleston moved the adoption of the following Ordinance for the acceptance of the Bid of the Handley Motor Co. for one (1) F-800 Chassis in the amount of $3089.92 with the understanding that the bid price will be reduced in the amount of the federal excise tax which will be not less than $175.00.

ORDINANCE NO. 1200

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT after duly advertision in accordance with the law for the purchase of one (1) F-800 Chassis with six (6) 900 x 20 - 10 ply tires for load-packer, for public use by the City of Takoma Park, and having carefully considered sealed bids, received from the following concerns:

Monroe Ford Co.	$3523.00 net
Takoma Motor Co.	$2951.00 "
Handley Motor Co.	$3089.92 "

the Mayor and Council do hereby accept the bid of the Handley Motor Co. in the amount of $3089.92 with the understanding that the Bid price will be reduced in the amount of the Federal Excise Tax which will be not less than $175.00.

BE IT FURTHER ORDAINED, that the contract for the purchase of one (1) F-800 Chassis, with six (6) 900 x 20 - 10 ply tires for load-packer, be awarded to the Handley Motor Co.

Councilman Kramer seconded the motion.

Upon being put to question the Ordinance was passed with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, Miller and Parkhill. Nays: none. Absent: Councilman Tymeson.

Councilman Eccleston moved the adoption of the following ordinance awarding the Bid for a 15 cu. yd. load-packer to Cole-Kelly Equipment Co., Richmond, Va. in the amount of $3595.00.

ORDINANCE NO. 1201

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT after duly advertising in accordance with the law for the purchase of one (1) 15 cubic yard Pak-Mor Garbage collection body, for public use by the City of Takoma Park, and having carefully considered sealed bids, the Mayor and Council do hereby accept the bid of the Cole-Kelly Equipment Corp. of Richmond, Virginia in the amount of $3595.00.

BE IT FURTHER ORDAINED, that the contract for the purchase of one (1) 15 cubic yard Pak-Mor Garbage Collection Body be awarded to the Cole-Kelly Equipment Company of Richmond, Virginia in the amount of $3595.00.

Councilman Kramer seconded the motion.

Upon being put to question the Ordinance was passed with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, Miller, McClenon and Parkhill. Nays: none. Absent: Councilman Tymeson.

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Parkhill moved the adoption of the following Ordinance:

ORDINANCE NO. 1202

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

THAT Ordinance No. 1166 of February 9, 1953 (22:91-94), as amended, is further amended as follows:

(a) In section 2, the semicolon at the end of clause (d) and all of clause (e) except the period at the end thereof are stricken out.

(b) There is added at the end of section 4:

"(e) The owner or lessee shall permit reasonable inspection of the premises by the duly authorized agents of the City or other governmental authority to ascertain whether or not this ordinance and other applicable laws and ordinances are complied with."

(c) Section 3 is amended by striking out in (a)-(1) "$10", and inserting in lieu thereof "$5"; in (a)-(2) "$20" and inserting in lieu thereof "$10"; in (a)-(3) "$30" and inserting in lieu thereof "$15"; in (b)- strike out "$10", "$5", "$1" and insert in lieu thereof respectively "$5", "$2.50" and "50 cents."

Repealed, 1953

Councilman Kramer seconded the motion.

Upon being put to question the Ordinance was passed with the roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, Miller, McClenon and Parkhill. Nays: none. Absent: Councilman Tymeson.

Mayor Beville stated at this point that the reduction which had been made in the fees for the rooming house registration would prove that the City was not adopting this policy for a profit making basis; in fact there will be not profit at all to the City, as a matter of fact it will probably be at a loss.

Councilman Parkhill moved that any person having paid fees on Ordinance #1166 on the previous schedule of rates, be refunded the proper amount complying with the present rates.

Councilman Parkhill moved that the preliminary subdivision Plan No. 1-53106, proposing resubdivision of Lot 10, Block 62, B. F. Gilberts, Maddox & Hopkins, engineers be approved.

Upon being seconded and put to question the motion was carried.

Concerning the renovation of the basement at 8 Columbia Avenue for the housing of the police department, Councilman Parkhill moved the adoption of the following Ordinance:

ORDINANCE NO. 1203

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT $2019.00 be allocated for the completion of the work now in progress on the ground floor of 8 Columbia Avenue to provide adequate quarters for the Police Department as follows:

1. Removal of concrete floor and installation of concrete floor and put up all studding------ $450.00

2. Installation of asphalt tile over concrete floor---------- $178.00

3. Conversion from steam to hot water and removal of all pipes in ceiling areas, removal of radiators.---------- $500.00

4. Rewiring by Ridgeway---------- $450.00

5. Acoustic ceiling and side-walls---------- $441.00

$2019.00

Section 2. AND THAT the Superintendent of Public Works Department is hereby authorized to see that the above work is completed as expeditiously as conditions may permit.

Councilman Kramer seconded the motion.

Upon being put to question the Ordinance was adopted with the roll call vote recorded as follows: Yeas; Councilmen Ecclestion Klinck, Kramer, Miller, McClenon and Parkhill. Nay: none. Absent: Councilman Tymeson.

Councilman Parkhill moved that the City spend not more than $200.00 to remove a supporting column in the new police quarters and install in lieu thereof an iron beam as recommended by the Superintendent of Public Works.

Upon being seconded and put to question the motion was carried.

Councilman Parkhill moved that the City purchase a drinking fountain for the sum of $119.00 for use in the new quarter of the Police Department.

Upon being seconded and put to question the motion was carried.

PUBLIC SAFETY COMMITTEE:

Following a discussion relative to whether the new police car should be white or black, Councilman Kramer moved that the City purchase a police car which shall be black.

Upon being seconded and put to question the motion failed with Councilmen Kramer and McClenon voting yea.

Councilman Kramer moved the adoption of the following Ordinance to accept the Bid of Handley Motor Co. for a new police car for which the City will trade-in #1 police car plus $1286.75 and that in addition it be painted white.

ORDINANCE NO. 1204

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT after having duly advertised according the law for the purchase of one (1) police car as provided for in the budget, for use of the Police Department of the City of Takoma Park, and after having carefully considered the bids received, the Mayor and Council do hereby accept the bid of the Handley Motor Company, it being the lowest bid received,

Section 2. AND that the contract for the purchase of one (1) Ford Police car be and is hereby awarded to Handley Motor Company for a price of $1286.75 which includes trade-in allowance on Police car #1.

Section 3. AND BE IT FURTHER ORDAINED, that the Handley Motor Company is authorized to paint this police car white at an additional cost to the above.

Coucnilman Parkhill seconded the motion.

Upon being put to question the motion carried with the roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, Miller, McClenon and Parkhill. Nays: none. Absent: Councilman Tymeson.

Councilman Kramer moved the adoption of the following Ordinance rescinding the driveway on New Hampshire Avenue at University Lane one-way and also to provide that stop signs be installed at the westerly end of that driveway.

ORDINANCE NO. 1205

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

Section 1. Ordinance No. 1160 of November 10, 1952 (22:59) which prescribes one-way traffic on the alley-way or right-of-way between the properties known as 7661 and 7663 New Hampshire Avenue, is hereby rescinded.

Section 2. Traffic on the said alley-way or right-of-way shall come to a stop at the westerly end thereof.

Section 3. The Public Works Department is authorized and directed to erect a stop sign as indicated in section 2 hereof.

Section 4. AND FURTHER that the penalties for the violation of this Ordinance shall be the same as prescribed by Ordinance governing traffic regulations in the City of Takoma Park.

Councilman Klinck seconded the motion.

Upon being put to question the Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, Miller, McClenon and Parkhill. Nays: none. Absent: Councilman Tymeson.

Councilman Kramer moved that a vote of thanks be given to the Special Police for their services on July 4th.

Upon being seconded and put to question the motion was carried.

Councilman Kramer reported on the meeting the Council had with representatives of the Telephone Company relative to the changing of certain numbers within the corporate limits of Takoma Park to Hemlock numbers. He stated that the Council was advised that the Telephone Company will make no further changes to Hemlock until at least the spring of next year and also not until after another central office is installed when Juniper and Hemlock numbers will be transferred to Silver Spring.

PARKS AND RECREATION COMMITTEE:

Councilman Miller moved that an expenditure not in excess of $200.00 be appropriated out of reserve fund for the purpose of the recreational supplies for the Prince George's side of Takoma Park.

Upon being seconded and put to question the motion was carried.

There being no further business to come before the Council at this time, upon motion being properly made, seconded and carried the meeting adjourned at 11:50 p.m.

Mayor

Harold J. Killmond Jr.
Clerk and Treasurer

PUBLIC HEARING
July 13, 1953

The meeting was called to order at 7:10. Those present were Councilman Kramer and Councilman Klinck.

Councilman Klinck presided, and proceeded to explain to those present, what portion of Jackson Avenue was to be improved, i. e., Jackson Avenue between Glenside Drive and Holton Lane.

Those present were Mr. & Mrs. A. M. Parker, 7511 Glenside Drive, owners of Lot P29, Block 8, GHF, and Mrs. W. L. Phaler, 1101 Holton Lane, Lot 1, Block 8, G. H. F., who were in favor of the improvement. The third party involved, Mr. Frank Calcara, owner of Lots 1, 2, and 3, Block 2, and Lot 4, Block 1, G. H. F. was not present.

It was agreed that the payment of the assessment be based on the five year plan.

EXECUTIVE MEETING
MAYOR AND COUNCIL
July 13, 1953

Mayor Beville called the meeting to order at 8:10 p.m. Those present: Councilmen Eccleston, Kramer, Miller, McClenon and Parkhill. Absent: Councilman Klinck and Councilman Tymeson.

CORRESPONDENCE:

1. Letter from Miss Glyde Schuebel praising the rescue squad and policemen for their assistance in a response to her recent request for their services. Mayor Beville directed that copies of this letter be posted on the Police Department's and Fire Department's bulletin boards.

2. Letter from H. Earle Russell submitting his resignation as Justice of the Peace for that portion of Takoma Park which lies in Prince George's County; effective July 8. Referred to Public Safety Committee.

3. Letter from Ellery Denison expressing is views on he problem existing at the Hillwood Playground. Referred to Parks & Recreation Committee.

4. Letter from Ellery Denison commending the Council on the appointment of Peter Remsen as Building Inspector. Referred to Public Welfare Committee.

5. Letter from Ellery Denison urging the Council to take action to establish quarters for the Health Clinic in Takoma Park. Referred to Civic Improvements Committee.

6. Letter from R. W. Koch, Chief, Division of Sanitation, Montgomery County Health Department, reporting on inspection made of the premises at 523 Albany Avenue, in which he states that no health hazard exists at this address. Referred to Public Welfare Files.

7. Letter from Oscar J. Forehand, Chief of Special Police, enclosing letter from Dr. Paul Schearrer, Pastor, Takoma Park Presbyterian Church, expressing appreciation of the services rendered by the Special Police on Sundays. Referred to Public Safety Committee.

Mayor Beville stated that he had received a letter from Senator Glenn Beall concerning the post office address matter on University Lane. The letter was of the same content as that of letters received from Congressmen Small and Hyde.

Councilman Parkhill expressed his appreciation to Councilman Miller for the fine job done in connection with the concert held at Spring Park on Sunday.

PUBLIC WELFARE COMMITTEE:

Councilman Eccleston moved that the Council reconsider the action in passing Ordinance 1201. Councilman McClenon seconded the motion. Upon being put to question, the motion was carried.

Councilman Eccleston read the bid from Gar Wood Industries on a 16 cu. yd. Load Packer; $4,400.00 plus $75.00 for finish paint.

Mr. John Lyons, Manager of the Washington Branch of Gar Wood Industries, spoke to he Council concerning the disadvantages of the Pak-Mor garbage collection body, and mentioned that he was dubious as to whether or not it would pass the regulations set up by the State Health Department.

The representative from the Cole-Kelly Equipment Co., distributor of the Pak-Mor garbage collection body addressed the Council regarding the cubic content of the Pak-Mor unit that the rated capacity of 15 yds. was exclusive of the loading space at the front of the packer, and that their company accepts responsibility for features described with regard to liquid capacity.

Earl W. Thomas, Supt. of Public Works, reported that he had conversed with Mr. Snyder of the State Health Dept. who told him that there were not any regulations on the books at the present time, but that the Board had considered such regulations, in connection with an acceptable garbage collection body.

Councilman Eccleston moved that the Council reaffirm their original decision in the adoption of Ordinance #1201, which Ordinance was as follows:

ORDINANCE NO. 1201

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT after duly advertising in accordance with the law for the purchase of one (1) 15 cubic yard Pak-Mor garbage collection body, for public use by the City of Takoma Park, and having carefully considered sealed bids, the Mayor and Council do hereby accept the bid of the Cole-Kelly Equipment Corp. of Richmond, Virginia in the amount of $3595.00.

BE IT FURTHER ORDAINED, that the contract for the purchase of one (1) 15 cubic yard Pak-Mor garbage collection body be awarded to the Cole-Kelly Equipment Company of Richmond, Vieginia in the amount of $3595.00.

Councilman McClenon seconded the motion. Upon being put to question, the Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Absent: Councilmen Klinck and Tymeson.

PUBLIC SAFETY COMMITTEE:

Mayor Beville asked that the Chairman of the Public Safety Committee confer with the Fire Chief and Police Chief to try and work out a temporary solution to the problem of traffic blocking the entrance to the Fire House.

Mayor Beville requested that Councilman Kramer have a set of specifications drawn up, and obtain estimates for the work which would be done to the driveway owned by George Bennett, on which an easement is pending.

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Parkhill reported that the map of the City would be ready next week, per advise of Mr. McNeill.

PARKS AND RECREATION COMMITTEE:

Councilman Miller stated that application has been made to the Washington Suburban Sanitary Commission, and he expects that the water fountains will be ready for installation on the playgrounds shortly.

PUBLIC WORKS COMMITTEE:

The Supt. of Public Works reported that the right of way had been obtained from Guy and Ida Picking, for a sum of $600.00.

Councilman Parkhill moved the adoption of the following ordinance:

ORDINANCE NO. 1206

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT property located on Maple Avenue, known as part of Lot 12, Block 60, as shown on Plat entitled "Part of Takoma Park, " and as further described in Liber 1660, Folio 104, Plat Book A as Plat No. 50, which parcel of land is required for the right of way for the installation of a storm drain structure to be constructed by the Washington Suburban Sanitary Commiss ion, be acquired from Guy W. and Ida M. Picking for the sum of $600.00 cash in hand, to be paid by the City of Takoma Park.

Section 2. AND THAT this Deed of Right of Way be forwarded to the Washington Suburban Sanitary Commission for recording.

Upon being seconded and put to question , the ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Miller and Parkhill. Nays: Councilman Kramer. Not voting: Councilman McClenon. Absent: Councilmen Klinck and Tymeson.

Councilman Kramer moved that the City Clerk be authorized to advertise for bids for the paving of Jackson Avenue between Glenside Drive and Holton Lane, bids to be returnable Friday, July 24, 1953, at 4:00 p.m.

Upon being seconded and put to question, the motion was carried.

Councilman Klinck moved that the present Public Works vehicle be sold for $201.00 to an employee of the City, and that Police Car No. 1 be purchased by the Public Works Department for $800.00, such $800.00 to be charged to the Reserve Fund.

Upon being seconded and put to question, the motion was carried.

There being no further business to come before the Council at this time, upon motion made, seconded and carried, the meeting adjourned at 9:50 p.m.

Mayor

Clerk and Treasurer

SPECIAL MEETING
MAYOR AND COUNCIL
July 16, 1953

Mayor Beville called the meeting to order at 9:27 P.M. Those present: Councilmen Kramer, McClenon, Miller and Parkhill. Absent: Councilmen Eccleston, Klinck and Tymeson.

On opening the meeting, Mayor Beville asked Mr. Vincent Gingerich, Corporation

July 17, 1953

TO: The Mayor and City Council

July 17, 1953

TO: The Mayor and City Council

SUBJECT: Ordinances Nos. 1166 and 1188 and proposed ordinance to establish standards of health and safety in relation to Housing.

This office has been requested to render a legal opinion as to whether or not the Mayor and City Council has the legal authority to regulate rooming houses, apartments and other types of multiple dwellings.

The Charter of the City of Takoma Park under the heading "Powers", Section 104.8 of the Montgomery County Code 1950 and Section 1299 of the Prince George's County Code 1943, sets forth several provisions with respect to the question at hand. The Charter of the City of Takoma Park grants the Council the power to (1) "*** to license, for the purpose of regulation and revenue, all and every kind of business transacted or carried on in the city, to fix the rate of license upon the same, and provide for the collection thereof by suit or otherwise ***"

The Charter further provides under the heading "Powers" that "For the purpose of carrying out the powers conferred by this Charter, and for the preservation of the cleanliness, health, peace and good order of the community, and for the protection of the lives and property of the citizens, and to suppress, abate, or discontinue, or cause to be suppressed, abated or discontinued, all nuisances within the corporate limits of said city, they may pass all ordinances or by-laws from time to time necessary; ***"

From the foregoing it is evident that the Mayor and City Council under the Charter has the power to regulate rooming houses, apartments and other multiple dwellings. Even if the foregoing provisions were not in the Charter the City would still have this authority. Article 56, Section 12 of the Annotated Code of Maryland 1951, provides in part "***any county, city or other political sub-division of the State may require permits or licenses to be obtained where necessary for regulatory purposes in the interest of the public health, safety or morals***"

It should be noted that the part quoted is an exception to the licensing prohibitions as set forth in this section. Prince George's County is excepted from the restriction and prohibitions against a county requiring business licenses, etc. However, the fact that Article 56, Section 12 is not applicable to Prince George's County means that in Prince George's County there is no restriction as to the issuing of licenses and so Takoma Park has the right to

impose any license or permit it desires to issue insofar as a state wide law is concerned for regulatory purposes.

It is well settled that functions of licenses and permits usually are (1) a means of passing in advance upon the legality of a proposed business, activity or thing, (2) a mode of permanently registering businesses, activities, things and persons, (3) facilitation of inspection and regulation, and, (4) financing of the costs of these other functions; and the purpose of all these functions is controlled under the police powers of persons, activities and things in the interest of the public health, safety, morals, order and welfare. Unless licensing under the police power, as distinguished from licensing for revenue, is exercised for one of these purposes or for some other purpose within the police power, it is void.

Police power is the power inherent in a government to enact laws, within the constitutional limits, to promote the order, safety, health, moral and general welfare of society. 16 C.J.S. 174; Tighe vs Osborne 131 A. 801, 803, 149 Md. 349, 43 A.L.R. 819. It should be pointed out that police power is an inherent attribute of government.

The courts have held that police power is broad and comprehensive and the "laws enacted for the purpose of regulation thereunder may be impolitic, harsh and oppressive without controvening the constitutional inhibition." 16 C.J.S. 175 citing Southern Bell Telephone & Telegraph Co. v. Town of Calhoun D.C.S.C., 287 F. 381. It corresponds to the right of self-preservation in the individual and may be delegated to a municipality by the State legislature. Mayor and Council of Pocomoke City vs Standard Oil Co. of New Jersey. 159 A. 902, 162 Md. 368.

It is well settled that laws or ordinances affecting public health is within the exercise of the police power. 16 C.J.S. 183, citing federal cases; Lepsity vs Parr 164 A. 743, 164 Md. 222; Gordon vs Commissioners of Montgomery County 164 A. 676, 164 Md. 210, Wynkoof vs Hagerstown 150 A. 447, 159 Md. 194; Mayor and Council of Pocomoke City vs Standard Oil Co. of New Jersey, supra.

The doctrine is well established that to the extent that property or business is affected with a public interest, it is subject to regulation under the police power. 16 C.J.S. 188 and cases cited therein. Under the police power individual rights may be limited and restricted so as to promote the general welfare, public health, public safety and order. 16 C.J.S. 209. Under the

police power municipalities may enact laws or ordinances regulating, restraining and prohibiting those which are harmful to the well-being of the people, although such regulations, restraint and prohibition interfere with the property of individuals. St. Louis Poster Advertising Co. v. City of St. Louis, Mo. 39 S.Ct. 274, 249 U.S. 269, 63 L. Ed. 599; Goldman v. Crowther 128 A. 50, 147 Md. 282. Thus it is apparent from the foregoing that a property owner can acquire no vested right to the use of his property for a particular purpose freed from public control under the police power.

The requirements of section 5 of Ordinance No. 1166 have been passed upon by the courts in a number of jurisdictions. These courts have held that licensees may be required to keep a register of guests, and comply with rules and regulations respecting room, cleanliness and sanitation. Juengel v. City of Glendale (Mo. app.) 164 S. W. (2d) 610; Renker v. Village of Brooklyn, 139 Ohio St. 484, 40 N. E. (2d) 925.

In Baltimore v. Marrott 9 Md. 160, the Court of Appeals held that municipal corporations or boards of health under power to preserve the health, commonly may and do establish ordinances and regulations pertaining thereto. These ordinances and regulations are held to be largely discretionary with the legislative branch of the government. The principal requirement is one of reasonableness.

In McQuillin, Municipal Corporations, 3rd ed. Section 24.515 it is pointed out that apartment buildings, tenements and other forms of multiple-family buildings, ordinarily are subject to provisions of ordinances. House v. Bodour 256 App. Div. 1037, 10 N. Y. S. (2d) 934, 23 N. E. (2d) 555; Schultz v. Doak 4 Phila. Pa. 151. In the most quoted case in the District of Columbia, Savage v. District of Columbia (DCM. app.) 54 A. (2d) 562 it was held that quite commonly, license, certificates of compliance with requirements of fitness for occupancy and other forms of permits or certificates must be obtained to entitle one to operate establishments of this character.

The Supreme Court of the United States has been asked to rule on the question of whether or not ordinances, such as Ordinances 1166 and 1188 may be passed by municipal corporations. The Supreme Court held that ordinarily municipalities can regulate apartments, tenements, rooming and other multiple-dwelling houses with respect to various protections convenience and comforts designed to promote the welfare of those who live in them. Moeschen v.

Tenement House Department 203 U. S. 583, 51 L. Ed. 328, 27 S. Ct. 781, Affg. 179 N. Y. 325, 72 N. E. 231, 70 L.R.A. 704, 103 A. St. Rep. 910. However, for ordinances to be valid and enforceable, the regulations relating to tenements and other multiple family dwelling houses must be reasonable and uniform in their operation. State v. McCormick 120 Minn. 97, 138 N. W. 1032. The Courts will defer considerably to the judgment of municipal authorities in the making and enforcement of regulations pertaining to multiple-dwelling units and rooming houses, since in modern times, no obligation more sacred than that of regulation of housing in crowded urban centers rests upon city officials. However, in the safeguarding of the public health, safety and comfort, under sanction of the police power, the action of the city officials is subject to judicial review. American Paint Co. v. McCune 67 Cal. App. (2d) 583, 155 P. (2d) 123; McQuillin, Municipal Corporations, 3rd ed. Section 24.516.

It is well settled that municipal ordinances of the type as contained in Ordinance No. 1166 usually provide for inspection to determine whether or not their requirements are being complied with. Winthrop v. New England Chocolate Co. 180 Mass. 464, 62 N. E. 969, Zalk & Josephs Realty Co. v. Stuyvesant Ins. Co. 191 Minn. 60, 253 N. W. 8. The ordinances regulating housing may impose inspection fees. Chicago v. Alton R. Co. 355 Ill. 65, 188 N. E. 831.

The courts have gone quite far in authorizing inspecting as brought out in the case of In Sunderman v. Warnken 251 Wis. 471, 29 N. W. (2d) 496. In this case suit was brought by a tenant against a landlord for entering the premises rented by the tenant and the court held the landlord was not responsible to the tenant for entering the premises with a police officer, even though the entering was made without the consent of the tenant, to make an inspection to determine what would have to be done to comply with orders of the Health Department to remedy unsafe and unsanitary conditions.

As heretofore pointed out the test of the ordinances and regulation is reasonableness. What is reasonable has also been determined by the United States Supreme Court where in Moesche v. Tenement House Department, supra, when the court pointed out that common provisions of ordinances or other measures as to tenements, apartment and similar buildings are that they shall be sufficient ventilated, lighted, supplied with water and properly constructed water closets or privees, and kept clean and sanitary and that, unless they are so equipped and maintained, they are to be declared public nuisances.

In addition to the above enumerated requirements others have been discussed by courts of other jurisdictions but the primary point to be remembered is that where reasonable the courts will defer to the discretion of the municipal legislative branch of the government. This is well set out in McQuillin, Municipal Corporation, 3rd edition, Section 24.515 wherein it is stated:

> "Municipal corporations ordinarily can regulate apartment, tenement, rooming and other multiple-dwelling houses with respect to their mode of construction, height, use, fire escapes, fire-retarding construction, kinds of heating, and other protections, conveniences and comforts designed to promote the welfare of those who live in them. Restrictions as to light and air, or to secure open and yard space, may be made relative to these buildings; and such a restriction is not an unreasonable interference with the use of commercial property.
>
> "To be valid and enforceable, municipal building regulations relating to tenements and other multiple-family dwelling houses must be reasonable and uniform in their operation. But the courts recognize that tenement houses constitute a separate and distinct class and justify police regulations specially applicable to them. Furthermore, health regulations of rooming houses may be made applicable to those providing rooms for more than a specified number of roomers, where the basis of classification is reasonable and germane to a legitimate object of the police power."

The fact that a person has been pperating a rooming house, apartment or other multiple-dwelling heretofore without a license or permit does not make him immune from the operation of an ordinance regulating such use of property.

Ordinance which contain provisions relating to repairs, reconstruction and alterations thereafter to be made or requirements for the protection of health and lives of persons occupying buildings may be made applicable to existing structures. Glenn v. Baltimore, 5 Gill. & J. (Md.) 424. In the case of Adamec v. Post, 273 N. Y. 250, 7 N. E. (2d) 120, the court held that tenement houses were required to conform to new standards for protection of health and lives of tenants and that such requirement is constitutional. Other cases required repairs of tenements and for fire protection. Here again broad discretion is given to municipal legislative and administrative officers in the safeguarding of the public health, safety and comfort, under sanction of the police power. Savage v. District of Columbia (D. C. Mun. App) 54 A. (2d) 562.

It is my opinion that ordinances No. 1166 and 1188 are within the police power and the proposed regulations are reasonable in view of court decisions cited herein and studied.

Vincent L. Gingerich

Vincent L. Gingerich
Corporation Counsel

REGULAR MEETING
MAYOR AND COUNCIL
July 27,1953

Mayor pro tem Klinck called the meeting to order at 8:10 p.m. Those present: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Absent: Mayor Beville and Councilman Tymeson.

Councilman Parkhill moved to dispense with the reading of the minutes of July 13, and that they be accepted as corrected.

Upon being seconded and put to question, the motion was carried.

Councilman McClenon moved to dispense with the reading of the minutes of July 16, and that they be accepted as corrected.

Upon being seconded and put to question, the motion was carried.

Mr. Hilliard presented the financial statement as follows:

FINANCIAL STATEMENT
June, 1953
Summary

	Revenues June,1953		Revenues to 6/30/53	Bal. Bud. to 6/30/53	Total Budget
5/31/53 Cash on Hand Citz. Bk.		5495.00			
5/31/53 " " " Sub.Tr.		22394.02			
		16899.02			
Revenues					
1.0 Taxes: Gen.	3178.87		315150.89	16988.32	298162.57
1.0 Penalties & Int.	155.55		805.64	55.64	750.00
2.0 Licenses &	2969.04		23952.70	2202.70	21750.00
3.0 Fines & Fortfeitures	73.50		2482.94	517.06	3000.00
4.0 Use of Money & Prop.	.00		214.16	85.84	300.00
5.0 Rev.-Other Sources	33122.38		25436.61	6717.39	32154.00
6.0 Serv. Charge-Current Services	95.00		1689.25	339.25	1350.00
Acct. Recd.	1149.60		369732.19	12265.62	357466.57
Transfer Sub. Tr. to Citizens Bank	22000.00	62743.94			
		79642.96			

Disbursements	Disb. June,1953	Disb. to June 30.53	Bal. Bud. to 6/30/53	Total Budget
10. Gen. Govt.- Clerks Office	3112.94	31481.30	1147.52	30333.78
10. Gen. Govt. Govt. Bldgs.	1161.10	10471.55	861.55	9610.00
10. Gen. Govt. P/W Sh.	754.17	17674.40	3659.40	14015.00
11.1 Police Dept.	4153.07	54623.96	996.04	55620.00
11.2 Fire Dept.	3546.79	54232.80	1552.80	52680.00
12.1 P/W Dept: Off.	789.34	10006.27	1461.27	8545.00
12.2 P/W Dept: Hwy.	4482.05	39161.43	2276.24	41437.67
12.5 " St. Lghting.	811.17	10219.70	769.70	9450.00
12.6 " Cont. Fund	6.19	378.32	521.68	900.00

Disbursements Cont.	Disb. June,1953		Disb. to 6/30/53	Bal. Bud. to 6/30/53	Total Budget
13.2 P/W Sanitation	5062.96		62854.90	18404.90	44450.00
19.1 " Recreation	1118.15		10862.18	3068.18	7794.00
19.4 Cultural-Lib	260.76		11073.17	73.17	11000.00
21.1 Misc.	870.89		7943.24	2056.76	10000.00
22.1 Capital Bud.	10454.50		37201.65	24779.86	61981.51
23.1 Insurance	198.46		5872.15	980.02	4892.13
Accounts Recd.	9.22		364057.02	1347.93	362709.09
Transfer Sub. to Citizens Bank	22000.00	58791.76			
Cash on Hand 6/30/53		20851.20			

Special Improvement Account

Bal. Citizens Bank 5/31/53	13130.53
Deposit during June, 1953	890.18
	14020.71
Withdrawals	9543.81
Bal. Citizens Bank 6/30/53	4476.90

CORRESPONDENCE:

1. Letter from Thomas McNeill submitting the recently completed map of Takoma Park. Referred to Civic Improvements Committee.

2. Letter from State Department of Education, stating that the City was not entitled to any funds for the operation of a Library. Referred to Parks and Recreation Committee, with the recommendation that the subject be investigated further.

3. Two letters from Vincent Amoroso, President, Hampshire Greens Community Association, regarding removal of surplus gravel and sand at Anne Street and University Lane, and New Hampshire Avenue and Kingwood and Merwood Drives. Referred to Supt. Of Public Works to investigate the situation.

4. Letter from C. S. Longacre, Takoma Park Seventh-day Adventist Church, with reference to a grading problem on the Church property, as a result of the new sidewalks being installed in the street-widening program. Mayor pro tem Klinck stated that he had conversed with Elder Longacre after receipt of the letter, and had made a suggestion to Mr. Longacre as to the treatment of the ground adjoining where the new sidewalk will be, i.e., that no curb be installed, but that the grounds be graded from the edge of the sidewalk to the high point of the ground of the Church property. Elder Longacre is to pass this suggestion on the architect, and until an opinion is rendered from the architect, Mayor pro tem Klinck suggested that any recommended action be withheld.

5. Letter from Maurice Taylor, Joint Committee of the Prince Georges-Takoma Civic Assns., in regard to future traffic conditions on Carroll Ave. if Safeway Stores, Inc. construct a super market, and suggests that the Council check into the matter to see if sufficient "set-back" is provided for in any future building permit. Mayor pro tem Klinck suggested that the City Clerk be instructed to reply to Mr. Taylor's letter advising him that the establishment of a building line is the prerogative of the Park and Planning Commission who have to have cause to establish one, or until such time as a permit is requested for a building. The basic law is that any building being constructed shall not be built any closer than 50 feet from the center of the existing right of way.

6. Letter from E. V. Hogan, concerning registration for nursing home located at 7311 Baltimore Avenue. Referred to Public Welfare Committee.

7. Letter from Washington Suburban Sanitary Commission enclosing drawing Nos. 53156-Y and 53157-Y of the proposed storm drain along Brashears Branch. Mayor pro tem Klinck reported that he had reviewed these plans with the Supt. of Public Works and can see no objection to them.

Mayor pro tem Klinck moved that the City Clerk reply to the Washington Suburban Sanitary Commission, accepting the plans, and also to thank them for the opportunity of reviewing the final plans and for their continued co-operation in this matter.

Upon being seconded and put to question, the motion was carried.

OPEN MEETING:

Mr. Sutton, 1608 N. Springwood Drive, Silver Spring, asked the Council to reconsider the removal of the "No Parking" sign in front of 6604 Allegheny Ave.

Mr. M. Derato, 413 Lincoln Avenue, noted that from the Maryland Code relating to Montgomery County, one of the powers of the Council is to establish and maintain a municipal band.

EXECUTIVE SESSION:

PUBLIC WELFARE COMMITTEE:

Councilman Eccleston discussed the proposed ordinance establishing standards of health and safety in relation to housing, and, each Councilman having a copy of the proposed ordinance, noted the latest changes in the proposed ordinance.

Councilman Eccleston moved the adoption of an ordinance to establish standards of health and safety in relation to housing, which was as follows:

ORDINANCE NO. 1207
(to be forwarded)

Housing Standards
p. 182 insert

Councilman McClenon seconded the motion. Upon being put to question, the ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Not Voting: Mayor pro tem Klinck (abstaining while acting as Chairman). Absent: Councilman Tymeson.

PUBLIC SAFETY COMMITTEE:

Councilman Kramer moved that the resignation of H. Earle Russell as Justice of Peace for the Prince George's section of Takoma Park be accepted.

Upon being seconded and put to question, the motion was carried.

It was suggested that the Law and Ordinances Committee proceed with locating and recommending another Justice of the Peace.

In regard to the removal of the "No Parking" sign in front of 6604 Allegheny Avenue, Councilman Kramer recommended that the Public Works Committee investigate to ascertain whether or not the street could be widened two feet in front of four houses, and that the City Clerk contact the owners of the four houses on Allegheny Avenue from Second Avenue concerning the widening.

Mayor pro tem Klinck suggested that the widening phase be looked into first before any action was taken.

Councilman Kramer moved the adoption of the following ordinance:

ORDINANCE NO. 1207

An Ordinance to establish standards of health and safety in relation to housing.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. Definitions.

In the interpretation and enforcement of this Ordinance---

(a) The word "basement" shall mean a portion of a building having a part but less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(b) The word "cellar" shall mean a portion of a building having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(c) The word "dwelling" shall mean any building which is wholly or in part used or intended to be used for living or sleeping by human occupants; Provided, That temporary housing as defined in subsection (s) shall not be regarded as a dwelling.

(d) The term "dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(e) The word "extermination" shall mean the control and elimination of insects, rats, mice, or other pests, by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, or trapping, or by any other recognized and legal pest elimination methods approved by the health officer.

(f) The term "habitable room" shall mean a room used or intended to be used for living, sleeping, cooking, or eating, but shall not include recreation or work rooms, bathrooms, water closet compartment, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

(g) The term "health officer" shall mean the legally designated health authority of the City, or of the county in which the premises involved are located, or his authorized representative, who are hereby designated agents of the City of Takoma Park for the purposes of this Ordinance.

(h) The word "infestation" shall mean the presence, within or around a dwelling of any insects, rats, mice, or other pests.

(i) The word "occupant" shall mean any person, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

(j) The word "operator" shall mean any person who has charge, care, or control of a building, in which dwelling units or rooming units are rented.

(k) The term "ordinary minimum winter conditions" shall mean the temperature 15°F. above the lowest temperature recorded at the Washington, D.C., weather station for the previous ten-year period.

(l) The word "owner" shall mean any person who, alone or jointly or severally with others---

(1) has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) has charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person shall be bound to comply with the provisons of this Ordinance to the same extent as if he or she were the owner.

(m) The word "person" shall mean and include natural persons of either sex, also copartnerships, corporations, and associations.

(n) The word "plumbing" shall mean and include the following supplied facilities and equipment: gas pipes, gas-burning equipment, oil-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and other similar fixtures, together with all connections with water, sewer, or gas lines.

I 82(b)

(o) The word "refuse" shall mean combustible and noncombustible waste materials and garbage; and shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust, except such as have a tangible value other than as refuse.

(p) The term "rooming house" shall mean any building occupied for more than thirty (30) days consecutively during any calendar year as the dwelling place of three or more persons not included in the family of the owner or lessee of such building, and in which the owner or lessee provides common or separate services, whether or not including cooking and/or eating facilities; Provided, That a building shall not be regarded as a rooming house merely because it is a multiple family dwelling. For the purpose of this subsection the family shall include husband or wife, ancestor or descendent, brother or sister (by whole or half blood), and parent or child by adoption.

(q) The term "rooming unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating.

(r) The word "supplied" shall mean paid for, furnished, or provided by or under the control of the owner or operator.

(s) The term "temporary housing" shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground or to another structure or to any utilities system on the same premises for more than thirty consecutive days.

(t) Whenever the words "building", "dwelling", "dwelling unit", "rooming house", "rooming unit", or "premises", are used in this Ordinance, they shall be construed as though they were followed by the words "or any part thereof".

Section 2. Inspection of Dwellings, Dwelling Units, Rooming Units, and Premises.

The inspector of buildings or his assistant is hereby authorized and directed to make inspections to determine the conditions of dwellings, dwelling units, rooming units, and premises located within the City of Takoma Park, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the inspector of buildings or his assistant is authorized to enter, examine, and survey at all reasonable times, except on Saturdays or Sundays, all dwelling, dwelling units, rooming units, and premises. The owner of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the inspector of buildings or his assistant free access to such dwelling, dwelling unit, or rooming unit and its premises, at all reasonable times, except on Saturdays or Sundays, for the purpose of such inspection, examination, and survey.

Section 3. Enforcement; Service of Notices and Orders; Hearings.

(a) Whenever the inspector of buildings finds that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall give written notice thereof to the person or persons who appear to be responsible for the violation. Such notice shall state the reasons why it is being issued; and shall be served upon the owner or his agent or the occupant, as the case may require; Provided, That such notice shall be deemed properly served if a copy is served personally on such owner, agent, or occupant, or is sent by registered mail to his last known address, or if such person is served by any other method authorized or required under the laws of Maryland.

The notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, in which case it must allow a reasonable time for the performance of such remedial action.

(b) Any person affected by any notice issued in connection with the enforcement of any provision of this Ordinance shall be entitled to a hearing on the matter before

the City Council; Provided, That he shall, within ten days after the day the notice was filed, file in the office of the inspector of buildings a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition the inspector of buildings shall immediately forward the petition to the Mayor, who shall set a time and place for such hearing within ten days of the day on which the petition was filed, and shall give the petitioner at least five days' written notice thereof; Provided, That the Mayor may postpone the date of the hearing for a reasonable time if he is convinced by the petitioner that there is a good and sufficient reason for such postponement.

(c) At such hearing the inspector of buildings shall state the reasons for the issuance of the notice, and the petitioner shall be given opportunity to show cause why the notice should be modified or withdrawn. After the hearing the Mayor shall determine whether or not this Ordinance has been complied with, and shall in accordance with such determination sustain, modify or withdraw the notice. The notice shall, if so sustained with or without modification, be deemed to be an order. Any notice served pursuant to subsection (a) of this section shall automatically become an order if a written petition for a hearing is not filed in the office of the inspector of buildings within ten days after such notice is served. In case the notice suspended any permit required by this or any other Ordinance, such permit shall be deemed to have been revoked when the notice has become an order.

(d) Any person aggrieved by the decision of the City Council under this section may seek relief therefrom in any court of competent jurisdiction as provided by the laws of Maryland.

Section 4. Minimum Standards for Basic Equipment and Facilities.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected with an approved water and sewer system.

(b) Every dwelling unit, except as otherwise permitted under subsection (d) of this section, shall contain a room which affords privacy to a person within it and which is equipped with a flush water closet and lavatory basin in good working condition and properly connected with an approved water and sewer system.

(c) Every dwelling unit, except as otherwise permitted under subsection (d) of this section, shall contain, within a room which affords privacy to a person within it, a bathtub or shower in good working condition and properly connected with an approved water and sewer system.

(d) Not more than six occupants of two dwelling units may share a flush water closet, a lavatory basin, and/or a bathtub or shower.

(e) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with both hot and cold water lines.

(f) Every dwelling unit shall be supplied with adequate refuse containers, in accordance with the refuse regulations of the City.

(g) Every dwelling shall have supplied water-heating facilities which are---

(1) maintained in safe and good working condition;

(2) properly connected with the hot water lines required under the provisions of subsection (e) of this section; and

(3) capable of heating water to such a temperature as to permit a reasonably adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F., even when the dwelling or dwelling unit heating facilities required under the provisions of section 5 (e) are not in operation.

(h) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of Maryland and the ordinances of the City of Takoma Park.

Section 5. Minimum Standards for Light, Ventilation, and Heating.

182(e)

No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10 per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be considered as contributing more than 50% of its area to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 per cent of the total floor area of such room.

(b) Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size, as required in subsection (a) of this section, except where there is supplied same other device which is approved by the health officer as affording adequate ventilation.

(c) Every bathroom and water closet compartment shall comply with the Washington Suburban Sanitary Commission Plumbing Code.

(d) Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected with the source of electric power in a safe manner.

(e) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70° F., at a distance three feet above floor level, under ordinary minimum winter conditions.

(f) At all times between the first day of May and the first day of October in each and every year, every door opening directly from a dwelling unit to outdoor space shall have supplied a screen with a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with a screen.

(g) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rats and mice, shall be supplied with a screen or other device which will effectively prevent their entrance.

Section 6. General Requirements relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwellings Units.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight, and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.

(b) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof; and shall be kept in sound working condition and good repair.

(c) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(d) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(e) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) Every supplied facility, piece of equipment, or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(g) No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling let by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the inspector of buildings, or in accordance with contract agreement between the owner or operator and the tenant.

(h) No owner shall let to another for occupancy any vacant dwelling unit unless it meets all the requirements of this Ordinance.

Section 7. Minimum Space, Use, and Location Requirements.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(b) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, except that a child under the age of five may occupy a sleeping room having not less than 60 feet of floor space; and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(c) At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof, except in proportion to the ratio of the height to seven feet.

(d) No cellar space shall be used as a habitable room or dwelling unit.

(e) No basement space shall be used as a habitable room or dwelling unit unless---

(1) the floor and walls are impervious to leakage of underground and surface runoff water and are reasonable free from dampness;

(2) the total window area in each room is equal to at least the minimum window area sizes prescribed in section 5 (a);

(3) such required minimum window area is located entirely above the grade of the ground adjoining it; and

(4) the total openable window area in each room is equal to at least the minimum prescribed in section 5 (b), except where there is supplied some other device which is approved by the health officer as affording adequate ventilation.

Section 8. Responsibilities of Owners and Occupants.

(a) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

(c) Every occupant of a dwelling or dwelling unit shall dispose of all his refuse in a clean and sanitary manner by placing it in the refuse containers required by section 4(f).

(d) Every occupant of a dwelling or dwelling unit shall dispose of all his refuse and any other organic waste which might provide food for rats or mice, in a clean and sanitary manner, by placing it in the refuse containers required by section 4(f). It shall be the responsibility of the owner to supply such containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such containers.

(e) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required for his dwelling or dwelling unit under the provisions of this Ordinance, except where the owner has agreed to supply such service.

(f) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rats, mice, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(g) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 9. Rooming Houses.

No person shall operate a rooming house, or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this Ordinance.

(a) No person shall operate a rooming house unless it is registered under the provisions of Ordinance No. 1166 of February 9, 1953 (22:91-94). The certificate of registration under the said Ordinance shall be displayed in a conspicuous place within the rooming house, at all times.

(b) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected with an approved water and sewer system and in good working condition, shall be supplied for each six persons residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; Provided, That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(c) The operator of every rooming house shall change supplied bed lined and towels therein at least once each week, and prior to the letting of any room to any occupant. All linen supplied shall be clean and sanitary.

(d) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of Maryland and the ordinances of the City of Takoma Park.

(e) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(f) Every provision of this Ordinance which applies to rooming houses shall apply also to hotels, except to the extent that such provision may be in conflict with the laws of Maryland or with regulations lawfully made thereunder.

Section 10. Penalties.

Any person who shall violate any provision of this Ordinance shall upon conviction be punished by a fine of not less than ten (10) nor more than fifty (50) dollars; and each day's failure to comply with any such provision shall constitute a separate violation. In default of payment of such fine, the person convicted shall be imprisoned for not less than ten nor more than thirty days.

Section 11. Conflict of Ordinances; Separability.

(a) In case of conflict between any provision of this Ordinance and any other ordinance of the City of Takoma Park or of the county in which the premises are located, whether relation to zoning, building, fire, safety, or health matters, or otherwise, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail, and the provision establishing the lower standard, if contained in such other city ordinance, is hereby repealed to the extent of the conflict with this Ordinance.

(b) If any word, phrase, clause, sentence, section, or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 12. Exemptions.

This Ordinance shall not apply to any owner-occupied single-family dwelling house or dwelling unit, so long as it is so occupied.

Section 13. Effective date.

This Ordinance shall take effect August 1, 1953.

Section 14. Ordinance as a Health Ordinance.

This Ordinance is adopted by the City Council acting pursuant to and under its powers set forth in section 104-8 (i) of the Montgomery County Code, 1950, and in section 1299 (I) of the Prince George's County Code, 1943, and in other related sections of the Charter of the City of Takoma Park.

ORDINANCE NO. 1208

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT parking be prohibited on both sides of Lincoln Avenue between Carroll Avenue and Maple Avenue, until the Maple Avenue paving is completed.

Section 2. AND THAT he Public Works Department be authorized to proceed with the erection of the necessary signs as a warning to motorists that parking is prohibited as described in Section 1.

Section 3. AND FURTHER that the penalties for the violation of this Ordinance shall be the same as prescribed by Ordinance governing traffic regulations in the City of Takoma Park.

Upon being seconded and put to question, the ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Not voting: Mayor pro tem Klinck (abstaining while acting as Chairman). Absent: Councilman Tymeson.

Mayor pro tem Klinck suggested that the Public Safety Committee see that a survey be made as to the hedges and shrubbery projecting out over sidewalks. Also a survey of shrubbery as it obscures traffic at intersections, and a survey of low hanging tree branches over sidewalks and over rights of way. A report of this survey was requested to be submitted as early as possible for further action.

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Parkhill moved that the preliminary resubdivision plan (No. 1-53136) proposing the resubdivision of Lot 28, Block 54, B. F. Gilbert's Subdivision, Takoma Park, Montgomery County, Maryland, Mrs. Alma Opal, owner, be approved.

Upon being seconded and put to question, the motion was carried.

Councilman Parkhill moved that the Supt. of Public Works be authorized to contact the owner of the property known as Lot 28, Block 54, B. F. Gilbert's Sub., with the thought in mind that she dedicate additional property fronting on Houston Avenue right of way.

Upon being seconded and put to question, the motion was carried.

Councilman Parkhill moved an ordinance be adopted authorizing the City Clerk to submit a contract for the purchase of Lot 3, Block 62, B. F. Gilbert's Subdivision, with an offer of $2500.00, which was as follows:

ORDINANCE NO. 1209

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT the City Clerk and Treasurer be authorized to submit a contract offer for the purchase of Lot 3, Block 62, B. F. Gilbert's Subdivision, for the sum of $2500.00.

Section 2. AND THAT if the owner of the Lot as described in Section 1 of this Ordinance accepts this offer, the Clerk and Treasurer is authorized to pay this sum of money for a deed to this property after the certification of title.

Section 3. AND FURTHER that this expenditure shall be charged against the Reserve Fund as provided in the 1953-54 Budget.

Councilman Eccleston seconded the motion. Upon being put to question, the Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Not voting: Mayor pro tem Klinck (abstaining while acting as Chairman). Absent: Councilman Tymeson.

Earl W. Thomas, Supt. of Public Works, described the proposed work to be done in the Fire Department Auditorimm, to consist of the following: The installation of an acoustical tile ceiling placed on furring strips applied flush against the north wall and extending southward along the balcony to the stair-well, the stair-well to be eliminated with cinder block, pargeting, and a new concrete lab; the storage room to be built under the east balcony and the northeast corner of the gym area; ceiling fixtures to be removed and replaced with adequate flush type fixtures; all walls to receive at least two coats of a suitable paint.

Councilman Parkhill moved that the City advertise for bids to renovate the gym in the Fire Hall to the specifications as provided by the Supt. of Public Works as just described. Upon being seconded and put to question, the motion was carried.

Mr. Hilliard reported, that after extensive study of various meters, the Unimatic Parking Meter would be the one he would recommend that the Council purchase, and that his decision was met with agreement by the Mayor, and Chairman of the Finance Committee.

Councilman Parkhill moved the adoption of an ordinance that the Clerk and Treasurer be authorized to purchase 30 Unimatic Parking meters manufactured by Karpark Corporation, at the price of around $50.00 plus trade-in, as follows:

ORDINANCE NO. 1210

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT a survey and inspection of the existing parking meters now is use in the City of Takoma Park reveals that some of these meters are obsolete, badly worn, and in need of replacement.

Section 2. AND THEREFORE, inasmuch as there is provided in the 1953-54 Budget an item of $1500.00 for the replacement of parking meters, the City Clerk and Treasurer is hereby authorized to purchase thirty Unimatic (completely automatic) Parking Meters from the Karpark Corporation of Cincinnati, Ohio, at the price of $50.00 each, f.o.b. Takoma Park, Maryland.

Section 3. AND FURTHER that the City Clerk and Treasurer is directed to replace those meters which are found to be in the worse deteriorated condition, with the new meters.

Councilman McClenon seconded the motion. Upon being put to question, the ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilman Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Not voting: Mayor pro tem Klinck (abstaining while acting as Chairman) Absent: Councilman Tymeson.

Mayor pro tem Klinck recommended that the City Clerk go over the map submitted by Mr. McNeill, for any errors or corrections, and that the Fire Dept., Public Works Department, and Police Department do the same.

PUBLIC WORKS COMMITTEE:

Councilman Eccleston read bids submitted by B. & P. Contractors, and Contee Sand and Gravel Co., Inc. on paving of Jackson Avenue between Glenside Drive and Holton Lane, and recommended that the low bid of Contee Sand and Gravel Co., Inc. be accepted.

Councilman Eccleston moved the adoption of the following ordinance:

ORDINANCE NO. 1211

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT after duly advertising in accordance with the provisions of Article 1198 of the City Charter for the improvement of Jackson Avenue between Glenside Drive and Holton Lane, said construction to consist of 4" bituminous base course, 2" bituminous top course, curb and gutter, related drainage structures; said improvements to abut Lots 1, 2 and 3, Block 2, Green Hill Farms; Lot 4, Block 1, Green Hill Farms; Lot 1, Block 7, Green Hill Farms; Lot 1, 28 and 29, Block 8, Green Hill Farms, the City received the following bids:

B. & P. CONTRACTORS
800 yds. Bituminous Paving @ $3.05 per sq. yd.
Grading - - - - - - - - - - -$300.00
160 lineal ft. of curb and gutter @ $1.95 per lineal ft. - - - - - - - - - -$313.60
Bank gravel in place $3.10 per cu. yd.

CONTEE SAND & GRAVEL CO., INC.
Conc. curb & gutter-approx. 260 LF @ $2.00 per L.F.
4&2-Bituminous Paving " 800SY @ $2.75 per S.Y.
Motor Grade hire @ $12.50 per hr.

Section 2. AND as the Contee Sand and Gravel Co. bid appears to be the lowest and most satisfactory, the Council does hereby award this contract to the Contee Sand and Gravel Co. on the basis of the above bid.

Section 3. AND FURTHER THAT the cost of this improvement be assessed against the abutting property owners in the usual manner with the privilege of paying for this improvement over a five year period with the first installment due 90 days after the date of the levy, with 6% interest per annum on the remaining unpaid balance to begin 30 days after the date of levy, and that each subsequent installment be due on the anniversary date each year thereafter until paid in full.

Upon being seconded and put to question, the ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Not voting: Mayor pro tem Klinck (abstaining while acting as Chairman). Absent: Councilman Tymeson.

In regard to conveying title to the State Roads Commission from the City of Takoma Park, for certain portions along Carroll Avenue, Councilman Eccleston moved the adoption of the following ordinance:

ORDINANCE NO. 1212

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. THAT the City of Takoma Park transfers and conveys such portion of its rights, interest and title to the road bed on Carroll Avenue from Philadelphia Avenue to Ethan Allen Avenue and extending on Ethan Allen Avenue to Sycamore Avenue, as well as to the land owned and acquired by the City of Takoma Park for the purpose of widening Carroll Avenue unto the State Roads Commission of the State of Maryland as the said State Roads Commission may require for the widening of Carroll Avenue from Philadelphia Avenue and extending on Ethan Allen Avenue to Sycamore Avenue. The said rights, title and interest hereby conveyed and transferred by this ordinance is for that portion of the land area required by the State Roads Commission for the road bed from curb to curb after the widening of Carroll Avenue, as proposed, is completed, and shown on Plat prepared by McNeill Survey Inc., and attached to and made a part of this ordinance.

Councilman Parkhill seconded the motion. Upon being put to question, the ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, Miller and Parkhill. Nays: None. Not voting: Mayor pro tem Klinck (abstaining while acting as Chairman). Absent: Councilman Tymeson.

PARKS AND RECREATION COMMITTEE:

Councilman Miller reported that the Boys Elks Club will hold a band concert on the 13th of August in Washington Park. Also, that the Air Force Band will hold a concert at 8:00 p.m. August 29, in Spring Park.

Councilman Miller reported that playground water fountains are now being installed in the various parks, and backstops for ball playing have been ordered.

In connection with a new library site, Councilman Miller moved that the new municipal library building be constructed on land now owned by the City bounded by Philadelphia Avenue, Old Park Avenue, Maple Avenue and the Takoma Park Elementary School, said title of building be vested in the City and that the Committee be authorized by the Council to engage an architect to prepare plans for the construction of the new municipal library building, final plans to be approved by the Council.

Upon being seconded and put to question, the motion was carried.

FINANCE COMMITTEE:

Councilman McClenon moved the approval of the payment of the bills for the month of June in the amount of $27,800.27.

Upon being seconded and put to question, the motion was carried.

Councilman McClenon moved that O'Connell & Company be requested to proceed with the audit of the City's books for 1952-53.

Upon being seconded and put to question, the motion was carried.

Mayor pro tem Klinck requested the City Clerk to furnish each of the Councilmen with the 1953-54 adopted budget.

Mayor pro tem Klinck requested the City Clerk to furnish the information as to all lots within the Corporate limits of Takoma Park that were tax exempt.

Mayor pro tem Klinck moved that the Executive Meeting of August 10, 1953, be dispensed with.

Upon being seconded and put to question, the motion was carried.

There being no further business to come before the Coundil at this time, upon motion being made, properly seconded and carried, the meeting adjourned at 10:55 p.m.

Mayor

Clerk and Treasurer