

CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
August 6, 1979

Councilmembers present:

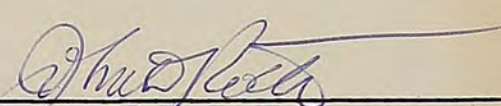
Mayor Roth  
Councilman Forshee  
Councilman Ricks  
Councilman Webb  
Councilman Weisman  
City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 7:40 PM.

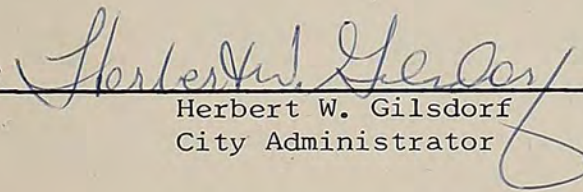
1. Sidewalk for Takoma Park, Elementary School. After discussion, the City Administrator was directed to proceed with building the sidewalk.
2. Energy. The City Administrator reported to the Mayor and Council on measures that the City was taking to conserve energy, grants that might be available to offset expenses associated with conserving energy, and/or a special program whereby experts from the State would advise neighborhoods on weatherization and other cost saving practices.
3. Old Takoma Traffic Study. The City Administrator was directed to see about getting a professional Traffic Engineer to look into the Study. Such matters should be considered as impact on other streets, possible alternatives (and their impact), traffic counts, busses, and a general overview of what the community could expect if this plan is implemented. The Mayor and Councilmembers placed a ceiling of \$3,000 on the study and set October as the probable time for Public Hearing.
4. Request for Voter Registration List. Dave Prosten asked the Mayor and Council to furnish his citizen committee with an updated voter registration list. The Mayor advised him that the Counties are the source of this information, but that he would look further into the matter.

There being no further business to discuss, the meeting adjourned at 9:30 PM.

APPROVED

  
\_\_\_\_\_  
John D. Roth  
Mayor

ATTEST

  
\_\_\_\_\_  
Herbert W. Gilsdorf  
City Administrator



26

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL

August 13, 1979

City Officials Present:

Mayor Roth  
Councilman Faulkner  
Councilman Forshee  
Councilman Garcia  
Councilman Ricks  
Councilwoman Saloma  
Councilman Webb  
Councilman Weisman

City Administrator Gilsdorf  
Asst. City Administrator Shaffer  
City Clerk Pusti  
Administrative Asst. Swinton  
Acting Police Chief Carter  
Public Works Director Robbins  
Recreation Director Ziegler  
Corporation Counsel Gingerich  
Asst. Corporation Counsel Hoffman

The Mayor and Council of Takoma Park met on August 13 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of July 23. Councilwoman Saloma noted a correction to be made on page 2, section II, item 1, the speaker's name should read Christine Lego. With this correction included, the minutes were approved.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth presented a proclamation to Mr. Pat Rittenour of the Takoma Park Lions Club proclaiming the month of September as "Lions Club Light Bulb Month".

Complemented Brian White, eight years old, of 407 Boston Avenue, for participating in the Big Blue Marble Tournament which was held in Wildwood, New Jersey.

Spoke about a sexual assault which began in the Old Takoma area; woman was taken into D. C., assaulted, and brought back into the City; stated that Takoma Park police are working with police departments in D. C., National Park Police, and Montgomery County in this investigation.

Noted that the Prince George's County and City Police apprehended an individual who is suspected of committing 50 breaking and enterings.

ADDITIONAL AGENDA ITEMS

Request for update on signalization at Rts. 410 and 195 (Councilman Ricks)

CITIZENS' REMARKS

1. David Prosten, 7428 Carroll Avenue, Chairman, Citizens for Election Reform: stated that his group is now in process of gathering names for a petition to change City Charter so that Councilmembers would be elected by wards, instead of at-large; that in order to have this question placed on the ballot, the group must obtain signatures from 20% of the registered voters in the City; requested that Council provide group with the number of registered voters so they can estimate the 20% figure. Mayor Roth added this item to the agenda. Mr. Prosten questioned a rumor circulating that the Council was preparing a question for submission to the voters on the same ballot. Mayor Roth stated that he personally does not know of any such plans, noting that Council does have this authority if it so desires.



2. Harry Wickline, 7812 Takoma Avenue, President, North Takoma Citi. Asso.: regarding Association's request to change parking restrictions on New York and Boston Avenues, noted that there is a problem of double-parking on New York Avenue and on Boston Avenue, where there are 2-hour parking spaces, students ignore this and park all day; that the two hour parking is hard for the police to enforce; that the change in parking should apply to New York and Boston Avenues between Takoma and Chicago Avenues.

3. Joe Lerner, 7708 Takoma Avenue: supported request for change in parking restrictions as noted by Mr. Wickline, especially noting the problems on New York Avenue; stated that many cars park on the curb and sidewalk, which causes deterioration; reiterated problem of cars parking on front lawns where there is no permanent parking surface; noted that the City Administrator stated that he is reluctant to bring this type of problem to court because the City had lost a case some time ago; felt that the ordinance should be changed so that it would hold up in court. Noted the poor condition of the Juniper Street pedestrian bridge; hoped that the City would push forward to have a permanent pedestrian bridge constructed soon; stated that all nearby children should be allowed to use Jeque Park and SSI playground, regardless of jurisdiction of residence.

4. Donald Ramsey, 8116 Roanoke Avenue: regarding remarks he made at last Council meeting about enforcement of zoning, pointed out that there are a number of properties with too many apartments for the land area available; felt that all zoning should be enforced, not just R-60 and R-40.

5. John Tucci, 608 Philadelphia Avenue: spoke about problem of cars and busses speeding on Takoma Avenue; especially noting the Ride-on busses; suggested that police provide more enforcement and possibly radar traps. Councilwoman Saloma stated that her neighborhood on Maple Avenue also has problems with the Ride-on busses; that Montgomery County DOT suggests that residents contact them with the bus number or at least the time of day, so that drivers can be identified and reprimanded.

6. Ron Albaugh, 7202 Central Avenue, President, Longbranch-Sligo Citi. Asso.: with reference to SHA's proposal to install a traffic signal at the intersection of Carroll and Flower Avenues, stated that the Association did not want this to take place and that correspondence had been sent to SHA stating this; felt that signalization would provide no more access for pedestrians and would also increase hazards; requested copy of SHA correspondence on this; stated his support for the proposal for a complete survey of traffic in the City. Councilwoman Saloma requested that signalization at Flower and Carroll Avenues be placed on the agenda.

7. Sammie Abbott, 7308 Birch Avenue: stated that the City should push WMATA on obtaining a permanent pedestrian bridge at Juniper Street; regarding sexual assault referred to above, stated that it involved the persons who "hang out" at the Seven-Eleven store at Cedar and Carroll Streets, N.W.; felt that the store should be put under heavy surveillance by both Takoma Park and D. C. police; regarding WAH bond proposal, stated his concern about procedural methods; that WAH, as initiator of proposal, should bear all the costs.

8. Donald Ramsey: stated that he hoped something could be done to insure pedestrian safety at Carroll and Flower Avenues; that things would not be left as they are.



9. Sue Lerner, 7708 Takoma Avenue: requested that the Council take action regarding the litter problems which come from fast-food restaurants, such as the Seven-Eleven and Roy Rogers in Blair Park; that the litter is attracting rats and raccoons.

#### ITEMS FOR COUNCIL CONSIDERATION

##### Communications

1. Douglas Ziegler, President, Independence Day Committee. Letter of appreciation for the Council's support and contributions to the 4th of July celebration; also a special thanks to the following departments: Public Works, Police and Recreation.

2. Montgomery County Board of Appeals. Notification of request for variance of two feet of side yard set back for construction of an addition to residence located at 8007 Wildwood Drive; public hearing to be held September 27, 1979, COB, 1:30 PM. Council requested that a neighborhood survey be conducted.

#### ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Decision of Prince George's County Board of Appeals on Appeal No. 5543, 3.5' side yard variance, 6909 Woodland Avenue. The City Administrator reported that this variance had been granted by the Board of Appeals.

2. Request of North Takoma Citizens' Association for change in parking restrictions on Boston and New York Avenues. Councilman Weisman made a motion that an ordinance be drawn up having parking banned on Boston Avenue beside the SSI gymnasium between the hours of 8 AM to 5 PM; this was seconded by Councilman Faulkner. Councilman Weisman and Mr. Wickline, who was recognized by the Council, stated that parking is mainly a problem during school hours and that it is difficult for the police to enforce the 2-hour parking limit at that location. When the motion was put to a vote, it failed, with Councilmembers Faulkner, Saloma and Weisman voting Aye, and Councilmembers Forshee, Garcia, and Ricks and Webb voting Nay. Concerning the request for New York Avenue, Councilman Weisman made a motion that an ordinance be drawn up to have parking on New York Avenue, between Takoma and Chicago Avenues, banned from 8AM to 8PM; this was duly seconded; it was noted that this ban would be helpful to the Ride-on busses that now have to travel around double-parked cars. When this motion was put to a vote, it was approved with Councilmembers Faulkner, Forshee, Ricks, Saloma, Webb and Weisman voting Aye and Councilman Garcia abstaining.

3. Ordinance declaring violation of certain sections of Chapter 10, Refuse, City Code, to be Municipal Infractions. It was noted that the intent of this ordinance was to apply the Infraction penalty to certain sections of the existing ordinance; Councilman Ricks suggested that the term "sidewalk parking", Sec. 10-32 (a), may need updating; Mayor Roth directed the City Administrator to do so. Upon motion, duly seconded, Ordinance #2503 (ATTACHED) was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Ricks, Saloma, Webb, and Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2503 (ATTACHED)



4. Ordinance declaring violation of certain sections of Chapter 12, Trees and Vegetation, City Code, to be Municipal Infractions. Upon motion by Councilman Faulkner, duly seconded by Councilman Webb, Ordinance #2504 (ATTACHED) was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Ricks, Saloma, Webb and Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2504 (ATTACHED)

5. First Reading of proposed ordinance amending Sec. 1.31 of the City Charter. Mayor Roth asked Corporation Counsel Gingerich to brief the Council on this amendment. Mr. Gingerich stated that the amendment was taken almost verbatim from the State Code; that it is more comprehensive than the first draft and if there should be any doubt or questions, they can be determined by court decisions; that the State Code supersedes the City Charter; that the basic differences pertain to voter registration listing because the City does not have a registration process. Mayor Roth asked what would happen if the Council did not approve this; Mr. Gingerich stated that the State Code would govern in that case. (First Reading of Charter amendment is ATTACHED.)

6. Authorization to solicit bids on roof repairs for Library (Revenue Sharing Funds). Councilman Webb moved that this authorization be given; this was duly seconded by Councilwoman Saloma. Councilman Weisman suggested that there should be specification for a warranty in the roof repairs bid package; Mayor Roth agreed and directed that this be included. When this motion was put to a vote, it was approved unanimously.

7. Authorization to solicit bids on rebuilt chipper for Public Works (RSF). The City Administrator stated that the chipper would be used when trimming and cutting down trees; that the chips would be used as mulch in City parks and on building grounds; would also save money in not having to take limbs, etc., to the dump; that the City repair shop would be able to maintain this item. Upon motion, duly seconded, authorization was approved.

8. The City Administrator stated that he had contacted the electrical engineering firm that is installing signals at Routes 410 and 195 (Carroll-Ethan Allen-Philadelphia Avenues); that as of July 30, concrete footings had been poured for the lights and a 30-day completion date is expected.

9. Regarding request of Mr. Prosten for specific number of registered voters, Mayor Roth noted that the proposed City Charter amendment, which is in accordance with State law, states that the City must verify signatures on the petitions when presented to the Council; that it would be at that time the City would obtain voter registration lists from the Counties to verify the number and validity of the signatures to ascertain if there is 20% total; noted that during the course of the petition drive, the number of registered voters can change, conceivably daily; that the responsibility for registration and maintenance of the registration lists rests with the Counties. Corporation Counsel Gingerich stated that his interpretation of the State law would be that the Council would verify the validity of the signatures on petitions with a registration list as of date petition is submitted. Both Mr. Prosten and Mr. Abbott, who were recognized by the Council, requested that the Council state a precise number of registered voters from which they would ascertain the number of signatures needed to qualify for the 20%; Mr. Abbott stated that the Council was making obstacles for the Citizens for Election Reform group by not stating a specific number of registered voters.

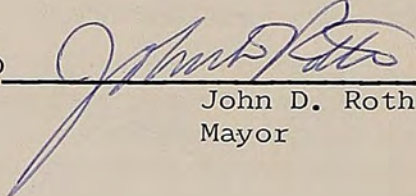


Mayor Roth again stated that the number of voters would have to be obtained from the Counties and felt it was the group's responsibility to do so.

10. Concerning the proposed signalization of the Flower-Carroll Avenues intersection, Councilman Garcia stated that traffic moves smoothly with the 4-way stop signs that are there now; agreed with Sligo-Longbranch Citizens' Association that the SHA study has gone beyond pedestrian safety, which is what was requested, and moved into auto passage. Several Councilmembers agreed with these points; Mayor Roth directed the City Administrator to arrange a meeting with Mr. Shook of SHA and Councilmembers Faulkner, Garcia, Ricks and Saloma, who volunteered their help, to discuss the original request for better pedestrian access and other possible solutions.

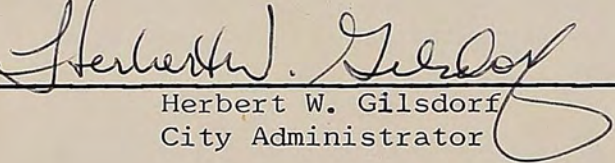
Upon motion, duly seconded, the meeting adjourned at 11:00 PM, to reconvene on Monday, August 27, 1979, at 8:00 PM.

APPROVED



John D. Roth  
Mayor

ATTEST

  
Herbert W. Gilsdorf  
City Administrator



ORDINANCE #2503

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

SECTION 1. THAT the Mayor and Council in Ordinance No. 2486, adopted January 22, 1979, set forth the procedure by which a violation of City codes and ordinances may be enforced as a Municipal Infraction; AND

SECTION 2. THAT the Mayor and Council do hereby ordain that Sections 10-11, 10-22, 10-28, 10-32, 10-40 and 10-43 of Chapter 10, Refuse, of the Code of Takoma Park, Md., 1972, as amended, shall be enforceable as Municipal Infractions, subject to the penalties contained therein; AND

SECTION 3. THEREFORE THAT the Code of Takoma Park, Md., 1972, be amended by repealing and reenacting Secs. 10-11, 10-22, 10-28, 10-32, 10-40 and 10-43, and by the addition of new section 10-58, as set forth below:

Sec. 10-11. Littering prohibited.

No person shall deposit, place or leave in or upon any of the places designated in Sec. 8-2 of this Code glass, crockery, nails, tin, or iron cuttings, tires, wire, or other article or thing liable to wound or injure man or beast or cause damage to personal property. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-22. Depositing of trash on public or vacant lots prohibited.

No person shall throw, or deposit, or cause to be thrown or deposited, in or upon any vacant lot or open space in the City, any tin cans, bottles and broken glass, vegetable matter, paper, rubbish, litter, or any dead animal, offal, garbage, putresible matter of any sort, or any other matter or thing injurious to public health. This Section shall not apply to deposits of substances not injurious to health on any place designated by the Mayor and Council as a public dump, where permission to make such deposits is granted by the Mayor and Council. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-28. Nauseous matter prohibited.

(a) No person shall keep, collect, use, or suffer to be in his or her house, cellar, or premises, any putrid or decaying animal or vegetable matter, nauseous liquids, stagnant water, or other offensive matter.

(b) No person shall keep any poultry, or any birds or any animals of any description, in such manner that the filth and stench therefrom shall become offensive to or annoy any neighbor or other person.

(c) No person shall deposit or suffer to be deposited on his or her ground and premises, any excrement or filth from vaults or privies, necessary house, or water closets, nor any garbage, dead animals, fowls, or fish, nor parts thereof.

(d) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-32. Depositing trash on public ways; burning.

(a) No person shall deposit or burn any trash, garbage or refuse of any description upon any public park, parkway, sidewalk parking or public street except upon permission of the Mayor and Council and under direction of the Director of Public Works.

(b) No trash or rubbish of any description, including leaves, paper or like material shall be burned in the open yard of any premises.

(c) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

[----] denotes deletion.

ALL CAPS denotes addition.



Sec. 10-40. Other abandoned property.

Whenever any readily movable property of any kind, such as, but not limited to, furniture, appliances, personal effects, and so forth, shall be abandoned or left in violation of any law, ordinance or order, on public or private premises, it may be removed by order of the Mayor. ~~[Such property shall be dealt with respectively as in the case of abandoned unattended, junked or wrecked vehicles in Article 2 of Chapter 13.]~~ FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-43. Placement time for collection.

No person shall place refuse or items for Wednesday special collection on the public right of way prior to the preceding Tuesday afternoon. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

ARTICLE 7. MUNICIPAL INFRACTIONS

SEC. 10-58. MUNICIPAL INFRACTIONS; FINES; OTHER REMEDIES.

(a) VIOLATION OF THE FOLLOWING SECTIONS OF THIS CHAPTER ARE DECLARED TO BE MUNICIPAL INFRACTIONS, THE FINES FOR WHICH ARE SET FORTH BELOW:

(1) A FINE IN THE AMOUNT OF FIFTEEN DOLLARS (\$15.00) SHALL BE IMPOSED FOR EACH VIOLATION OF SECS. 10-11, 10-22, 10-28, 10-32, 10-40 AND 10-43 WHICH HAS NOT BEEN ABATED WITHIN TWENTY-FOUR (24) HOURS FROM DATE OF NOTICE TO CORRECT SAID VIOLATION.

(b) NOTHING CONTAINED HEREIN SHALL PREVENT THE CITY OF TAKOMA PARK FROM FILING SUIT IN THE APPROPRIATE COURT TO ENJOIN OR OTHERWISE REQUIRE OR PREVENT ANY ACTION OR OMISSION PROVIDED FOR BY THIS CHAPTER.

(c) VIOLATIONS WILL NOT BE LIMITED TO ONE CITATION. FAILURE TO ABATE THE CITED VIOLATION WITHIN TWENTY-FOUR HOURS FROM DATE OF NOTICE TO ABATE SHALL CAUSE THE VIOLATION TO BE TREATED AS A NEW VIOLATION.

(d) THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE AND THE CHIEF OF POLICE OR HIS DESIGNEE SHALL HAVE THE AUTHORITY TO ENFORCE ALL PROVISIONS OF THIS ARTICLE.

(e) IF ANY PROVISION OF THIS ARTICLE, OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES, IS HELD INVALID, THE REMAINDER OF THE ARTICLE AND THE APPLICATION OF SUCH PROVISION TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID, SHALL NOT BE AFFECTED THEREBY.

SECTION 4. THAT this ordinance shall become effective upon adoption after second read



ORDINANCE #2504

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

SECTION 1. THAT the Mayor and Council, in Ordinance No. 2486, adopted January 22, 1979, set forth the procedure by which a violation of City codes and ordinances may be enforced as a Municipal Infraction; AND

SECTION 2. THAT the Mayor and Council do hereby ordain that Sections 12-10, 12-11, 12-12, 12-14, 12-16, 12-17, 12-18, 12-19 and 12-22 of Chapter 12, Trees and Vegetation, of the Code of Takoma Park, Md., 1972, as amended, shall be enforceable as Municipal Infractions, subject to the penalties contained therein; AND

SECTION 3. THEREFORE THAT the Code of Takoma Park, Md., 1972, be amended by repealing and reenacting Secs. 12-10, 12-11, 12-12, 12-14, 12-16, 12-17, 12-18, 12-19 and 12-22, and by the addition of new section 12-24, as set forth below:

12-10. Director of Public Works to spray, trim or remove infected or infested trees on private property.

(a) If, after inspection as provided in Section 12-8, the Director of Public Works or his designee shall determine that a tree, shrub or plant is infected or infested by any parasite or insect pest, he shall serve upon the owner, occupant or tenant of the property a written notice that the tree is so infected or infested and that it must be sprayed, treated, trimmed, removed or destroyed under the supervision of such Director or his designee within ten (10) days of service of the notice, so as to prevent scattering of the parasites or pests to other public or private plants. If the owner, occupant or tenant cannot be found, a copy of the notice shall be posted upon the infected or infested tree.

(b) If the tree is not treated within ten (10) days after service or posting of the notice as provided in Subsection (a), ~~the Director or his designee shall cause the tree to be treated, removed or destroyed.~~ THEN SECTION 12-22, REMOVAL OR DESTRUCTION BY THE CITY, OR SECTION 12-24(a)(1), MUNICIPAL INFRACTION, SHALL APPLY AS WRITTEN.

(c) Whenever the owner, occupant or tenant of the private grounds shall refuse or neglect his responsibility for the above, the cost for the above shall be certified by the Director of Public Works as provided in Section 12-5 of this Chapter.

12-11. . . . Trees on public or private property infected with Dutch Elm disease or Elm Blight; notice to remove or burn; failure; lien

(a) If, after inspection as provided in Section 12-8, the Director of Public Works or his designee shall determine that a tree located on public or private property is infected with Dutch Elm disease, Phloem Necrosis, he shall immediately serve upon the owner, occupant or tenant of the property a written notice that the tree is so infected and that it must be removed and burned under the supervision of the Director of Public Works or his designee within ten (10) days of the service of notice. If the owner, occupant or tenant cannot be found, a copy of the notice shall be posted upon the infected tree.

(b) If the tree is not removed and burned within ten (10) days after the service or posting of notice as provided in Subsection (a), ~~the Director of Public Works or his designee shall cause the tree to be removed and burned.~~ THEN SECTION 12-22, REMOVAL OR DESTRUCTION BY THE CITY, OR SECTION 12-24(a)(1), MUNICIPAL INFRACTION, SHALL APPLY AS WRITTEN.

(c) Whenever the owner, occupant or tenant of the private grounds shall refuse or neglect his responsibility for the above, the cost for the above shall be certified by the Director of Public Works as provided in Section 12-5 of this Chapter.

[----] denotes deletion.  
ALL CAPS denotes addition.



34 2  
Sec. 12-12. Permit required for land owner to prune, spray, plant or remove trees

No person shall prune, spray, plant or remove a tree in any street or park, except that the owner of land abutting on a street may, upon obtaining prior written permission from the Director of Public Works or his designee, prune, spray, plant or remove a tree or trees in that part of the street abutting his land not used for public travel. Every permit shall specifically state the extent of the authorization and the conditions under which the permit is granted. FAILURE TO OBTAIN A PERMIT SHALL CAUSE SEC. 12-24(a)(2); MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-14. Removal of dangerous or overhanging trees; notice to remove

(a) No property owner shall maintain or permit to stand upon his property, any dead tree and dead part of a tree, a stump, or any diseased or damaged tree or any diseased or damaged part of a tree, or any healthy tree or part of such tree which is a menace to public safety or which endangers any building or other property. The stumps shall be removed flush with the surrounding ground.

(b) No property owner, or any lessee or occupant of any property shall permit the limbs, branches and/or foliage of any tree or shrub upon such property to project into or extend over any street, lane, alley or sidewalk in such manner that there shall be a clearance of less than eight (8) feet between the surface of the street, lane, alley or sidewalk and such limbs, branches and/or foliage.

(c) The Director of Public Works shall notify in writing the owner, or the agent of the owner, or the lessee or the occupant of the property whereon is located such illegally maintained tree, stump, or shrub, to remove such tree, stump, or shrub or portion of such tree or shrub. If at the expiration of the date set forth in such notice the illegally maintained portion of the tree, stump or shrub has not been removed, and no extension of time has been granted by the Director, ~~[the Director or any authorized City official shall obtain a warrant for the arrest of the violator of this Section.]~~ THEN SECTION 12-22, REMOVAL OR DESTRUCTION BY THE CITY, OR SECTION 12-24(a)(1), MUNICIPAL INFRACTION, SHALL APPLY AS WRITTEN.

Sec. 12-16. Vegetation not to obscure intersection.

No person, upon premises owned or occupied by him, shall maintain, or permit to be maintained, any hedge, shrub, vine, plant, or other form of vegetation, of a height greater than thirty-six (36) inches; this height is to be determined by a measurement made from the established street level nearest the hedge, shrub, vine, plant or other form of vegetation at or within twenty (20) feet from any intersection. FAILURE TO COMPLY WITH THIS SECTION WITHIN TEN (10) DAYS SHALL CAUSE SECTION 12-24(a)(1), MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-17. Defacing or cutting vegetation in public areas.

No person shall cut, deface, mutilate or remove any trees, bushes or branches or shrubs, plants or flowers from any public park, parkway or sidewalk parking. FAILURE TO COMPLY WITH THIS SECTION SHALL CAUSE SECTION 12-24(a)(2); MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-18. Vegetation not to obstruct sidewalk or traffic.

No person shall plant or in any way allow a hedge or any other kind of bush, weeds or shrubbery whatsoever to project or reach over or beyond the line of private property adjoining any street or sidewalk, or to overhang the public or municipal property in a manner that will interfere with or impede pedestrian or vehicular traffic. FAILURE TO COMPLY WITH THIS SECTION WITHIN TEN (10) DAYS SHALL CAUSE SECTION 12-24(a)(1), MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-19. Notice to remove and destroy within ten days.

The owners, occupants or tenants of lands shall remove and destroy from their lands all brush, weeds, including ragweed, dead and dying tree stumps, roots, obnoxious growths, filth, garbage, trash, and debris within ten (10) days after notice to remove. The notice shall be in writing and served as hereinafter set forth. FAILURE TO COMPLY WITH THIS SECTION WITHIN TEN (10) DAYS SHALL CAUSE SECTION 12-24(a)(1) TO APPLY.



Sec. 12-22. Removal or destruction by the City.

(a) Whenever the owners, occupants or tenants of lands or premises shall refuse or neglect to remove from such lands or premises, all brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within the time provided by this Article such items enumerated under this Section may be removed or destroyed by the City.

(b) In cases of extreme danger to persons or property, the City shall have the authority to require immediate compliance by the violator AND SHALL SUPERSEDE THE TEN (10) DAYS AS SPECIFIED IN SEC. 12-24.

SEC. 12-24. MUNICIPAL INFRACCTIONS; FINES; OTHER REMEDIES.

(a) VIOLATION OF THE FOLLOWING PROVISIONS OF THIS CHAPTER ARE CONSIDERED A MUNICIPAL INFRACCTION AND THE FINE FOR THE VIOLATION OF EACH PROVISION IS AS SET FORTH BELOW:

(1) UPON EXPIRATION OF A TEN (10) CALENDAR DAY NOTICE TO CORRECT VIOLATIONS, SECTIONS 12-10, 12-11, 12-14, 12-16, 12-18, and 12-19 SHALL RESULT IN A FINE OF FIFTEEN DOLLARS (\$15.00).

(2) UPON VIOLATION/SECTIONS 12-12 AND 12-17, A FINE OF FIFTEEN DOLLARS (\$15.00) SHALL BE IMPOSED.

(b) NOTHING CONTAINED HEREIN SHALL PREVENT THE CITY OF TAKOMA PARK FROM FILING SUIT IN THE APPROPRIATE COURT TO ENJOIN OR OTHERWISE REQUIRE OR PREVENT ANY ACTION OR OMISSION PROVIDED FOR BY THIS CHAPTER.

(c) VIOLATIONS WILL NOT BE LIMITED TO ONE CITATION. FAILURE TO ABATE THE CITED VIOLATION WITHIN TEN (10) CALENDAR DAYS FROM DATE OF NOTICE SHALL CAUSE THE VIOLATION TO BE TREATED AS A NEW VIOLATION.

(d) THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE OR THE CHIEF OF POLICE OR HIS DESIGNEE SHALL HAVE THE AUTHORITY TO ENFORCE ALL ASPECTS OF THIS SECTION. IN ADDITION, WHERE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE IS WRITTEN IN SECTIONS 12-10, 12-11, 12-12 AND 12-14, WILL HENCEFORTH INCLUDE THE CHIEF OF POLICE OR HIS DESIGNEE.

(e) IN CASES WHERE EXTREME DANGER TO PERSONS OR PROPERTY EXIST, SECTION 12-22 SHALL SUPERSEDE THE TEN (10) DAY NOTICE ALLOWED FOR IN SECTION 12-24. ALL OTHER ASPECTS OF 12-24 SHALL STILL APPLY.

SECTION 4. THAT this ordinance shall become effective upon adoption after second reading.



## FIRST READING

PROPOSED ORDINANCE NO.  
PROPOSED RESOLUTION NO. 1979-1

## CITY CHARTER AMENDMENT

TO UPDATE CHARTER AMENDMENT  
AND REFERENDUM PROCEDURE,  
SEC. 1.31

WHEREAS, changes in the Maryland State Law and recent court decisions have rendered portions of Sec. 1.31., "Charter; amendment; referendum," of the City Charter obsolete;  
AND

WHEREAS, the Mayor and City Council deem it necessary to bring the Charter amendment and referendum procedure in compliance with State Law.

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

SECTION 1. THAT Sec. 1.31, "Charter; amendment; referendum," of the Charter of Takoma Park, Maryland, 1972, as amended, be repealed in its entirety and that there be enacted in its place the following:

Sec. 1.31. Charter amendment.

An amendment of this Charter may be initiated by the council or by a petition of qualified voters of the City of Takoma Park in the manner hereinafter provided; except, that no such amendment shall affect Section 1.2 of this Charter.

Sec. 1.32. Initiation by council.

(a) The council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this article, is ordained or passed as in the usual course of considering resolutions in the government of the council by a majority of all the persons elected to the council.



(b) In conformity with a requirement imposed upon the General Assembly by Article 3, section 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

(c) In conformity with a requirement imposed upon the General Assembly by Article 3, section 29 of the Constitution of Maryland, every Charter amendment adopted by the council shall embrace but one subject and that shall be described in its title.

(d) The mayor shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted in the Municipal Building or another main municipal building or public place for a period of at least forty days following its adoption, or the posted notice shall state that, if the proposed amendment is adopted, the city then shall be governed under and according to the municipal corporation charter contained in Article 23B of the Annotated Code of Maryland, titled "Municipal Corporation Charter." Or, if the city has adopted substantially the provisions of said Article 23B, the posted notice shall so declare and shall also include a fair summary of the provisions in the Charter which differ from those in Article 23B.



38

(e) A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park not less than four times, at weekly intervals within a period of at least forty days after the adoption of the resolution containing the proposed amendment or amendments.

(f) The amendment or amendments so proposed by the council shall become and be considered a part of this Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth day after being so ordained or passed, unless on or before the fortieth day after being so ordained or passed there shall be presented to the council, or mailed to it by registered mail, a petition meeting the requirements of this section.

(g) The petition shall be signed by twenty percent or more of the persons who are qualified to vote in municipal general elections of the City of Takoma Park and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the city. Each person signing the petition shall indicate thereon both his name and residence address. Upon receiving the petition for a referendum, the council is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition as of no effect if it is signed by fewer than twenty percent of the persons who are qualified to vote in municipal general elections.

(h) If the petition for a referendum complies with



the requirements of this section, the council shall  
by resolution, passed as in its normal legislative  
procedure, specify the day and the hours for the  
election at which the question shall be submitted  
to the voters of the City of Takoma Park. This may  
be at either the next regular general election or  
at a special election, in the discretion of the  
council. In the event a special election is desig-  
nated, it shall be held within a period of not less  
than forty days nor more than sixty days after the  
final passage of the resolution providing for the  
referendum. The resolution providing for the  
referendum shall specify the exact wording which is  
to be placed on the ballots or voting machines when  
the question is submitted to the voters of the city.

Sec. 1.33. Initiation by petition of qualified voters.

(a) Twenty percent or more of the persons who are  
qualified to vote in municipal general elections in  
the City of Takoma Park may initiate a proposed  
amendment or amendments to the municipal Charter,  
by a petition presented to the council. The peti-  
tion shall contain the complete and exact wording  
of the proposed amendment or amendments, and the  
proposed amendment or amendments shall be prepared  
in conformity with the several requirements con-  
tained in subsections (b) and (c) of section 1.32  
of this Charter. Each person signing it shall  
indicate thereon both his name and residence address.  
Upon receiving the petition, the council is directed  
to verify that any person who signed it is qualified  
to vote in municipal general elections, and shall  
consider the petition as of no effect if it is  
signed by fewer than twenty percent of the persons



40

who are qualified to vote in municipal general elections. If the petition complies with the requirements of this section, the council shall by resolution, passed as in its normal legislative procedure, and not later than sixty days after the petition shall have been presented to it, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the next regular municipal general election or at a special election, in the discretion of the council. In the event a special election is designated, it shall be within a period of not less than forty days nor more than sixty days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting machines when the question is submitted to the voters of the city.

(b) Provided, however, that if the council shall approve the amendment or amendments provided for in the petition presented to it under subsection (a) above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by the council and in compliance with the provisions of section 1.32 of this Charter.

(c) Further provided, however, that the council may by resolution passed as in its normal legislative procedure, submit an alternative Charter amendment or amendments to be voted on at the same election as any charter amendment or amendments initiated by



petition of qualified voters of the city. Such a resolution, proposing an alternative Charter amendment or amendments, must be passed by the council, if at all, no later than sixty days from the date the original petition is presented to the council by the qualified voters of the city. Posting and publication of an alternative Charter amendment or amendments shall be as set forth in section 1.34 of this Charter.

Sec. 1.34 Posting and publication.

The mayor shall give notice by posting and publication of any submission of a proposed Charter amendment to the voters thereof. For not less than four weeks immediately preceding the election at which the question is to be submitted, a complete and exact copy of the wording of the proposed Charter amendment or amendments shall be posted at the Municipal Building or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Or, in lieu of such posting, there shall be posted a statement that, if the amendment is adopted, the city shall be governed under and according to the municipal corporation Charter contained in Article 23B of the Annotated Code of Maryland, titled "Municipal Corporation Charter," and that this municipal corporation Charter comprises the proposed amendment or if the city has adopted substantially the provisions of said Article 23B, the posted statement shall so declare and also should include a fair summary of the provisions in the Charter which differ from those in Article 23B. Notice of the election, together with a fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park, not less than once in each



42

of the four weeks immediately preceding the elec-  
tion.

Sec. 1.35 Referendum.

(a) On the day and during the hours specified for  
any referendum, the proposed Charter amendment or  
amendments shall be submitted to the qualified  
voters of the city. The official or officials  
thereof whose duty it is to arrange for and conduct  
the regular municipal elections shall perform the  
same duties so far as relevant to the referendum  
election on the proposed Charter amendment or amend-  
ments. It is the intent of this section that the  
referendum election shall be conducted generally  
according to the procedures and practices observed  
for regular city elections, except as specifically  
or necessarily modified by the provisions of this  
article. The wording specified by the council in  
the resolution providing for a referendum on the  
Charter amendment or amendments shall be placed  
on the ballots or voting machines used at the refer-  
endum election. The expenses of the referendum  
election shall be defrayed by the city.

(b) The official or officials charged with the duty  
to arrange for and conduct the referendum promptly  
following the closing of the polls, shall tally the  
results thereof and shall forthwith certify the  
results of the referendum to the mayor.

(c) If a majority of those who vote on any question  
so submitted to the voters of the city shall cast  
their votes in favor of the proposed Charter amend-  
ment or amendments, the mayor shall so proclaim  
publicly within ten days after receiving a certifica-  
tion of the votes from the officials conducting the



referendum; and on the thirtieth day following the public proclamation the proposed Charter amendment or amendments shall become a part of the Charter of the City of Takoma Park, according to its terms, in all respects to be effective and observed as such. If two or more amendments to the same provision of the Charter, whether an entire section or a specified portion of a section, each receive a majority affirmative vote at the same election, only the amendment receiving the largest number of affirmative votes shall be proclaimed adopted. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed Charter amendment or amendments, the mayor shall so proclaim, adding to his proclamation the statement that the proposed Charter amendment or amendments contained in said question are null and void and of no effect whatsoever.

Sec. 1.36. Form and registration of amendments.

(a) In any proposal to amend an existing Charter of the city, the new matter, if any, to be added to the Charter shall be indicated by being underscored or in italics and all matters to be eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections, the words of such new section or sections shall also be underscored or in italics or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in entirety any section or sections of the



existing Charter, the matter intended to be repealed need not be written out in full and enclosed in either double parentheses or boldface brackets.

(b) The resolution to amend the Charter shall identify the source of the existing section or sections, citing the Code or other publication or amendment in which appears the most recent text of the section or sections to be amended.

(c) Amendments to the Charter shall be in a consecutively numbered series.

(d) The resolution to amend the Charter shall provide specifically (and not simply by implication) for the repeal of any section or sections of the existing Charter which are inconsistent with the amended section or sections.

(e) A proposal to amend the Charter, whether initiated by the council or by a petition of qualified voters of the city, may not be rescinded after its adoption by the council or after its formal submission in a petition, in any manner other than that of another Charter amendment.

(f) At the time a Charter amendment or amendments become effective by reason of having been ordained or passed by the council, or at the time of making a public proclamation as to the vote on any question containing a proposed Charter amendment or amendments which have been adopted, the mayor shall send separately by registered mail to the Secretary of State of Maryland and to the Department of Legislative Reference the following information concerning the Charter amendment or amendments: (1) The complete text thereof, or a statement that the Charter



contained in Article 23B has been adopted, (2) the  
date of the referendum election, if any, (3) the  
number of votes cast for and against each question  
containing the Charter amendment or amendments,  
whether in the Council or in a referendum, and  
(4) the effective date of the Charter amendment  
or amendments.

(g) The Charter amendment or amendments are not  
effective and shall not be applied or considered as  
if effective, unless and until it or they have been  
registered as required in subsection (f) of this  
section.

Sec. 1.37 Codification of amendments.

The exact text of any amendment or amendments to  
the Charter adopted as in this article specified,  
shall thereafter be included in any subsequent  
edition or codification of the Charter of the city  
until altered, modified or repealed by a subsequent  
amendment or amendments to the Charter.

SECTION 2. FURTHER THAT any sections of the Charter which are  
inconsistent with the foregoing section are hereby  
repealed; and

SECTION 3. THAT the provisions contained herein shall become  
effective upon the fiftieth day after adoption on  
second reading.



CITY OF TAKOMA PARK, MARYLAND  
 MAYOR AND COUNCIL WORKSESSION  
 August 20, 1979

Councilmembers present:

Mayor Roth  
 Councilman Forshee  
 Councilman Garcia  
 Councilman Ricks  
 Councilwoman Saloma  
 Councilman Webb  
 City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 7:30 PM.

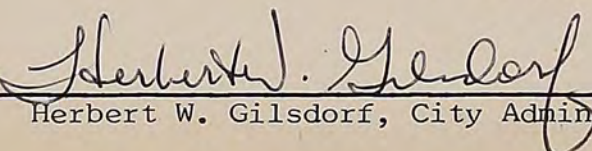
1. Master Plan. After discussion, the Mayor and Council set October 24, at 7:00 PM, as the official worksession on the Master Plan (Prince George's and Montgomery Counties M-NCP&PC Commissioners and staff will be present). Further, a Public Forum on the Master Plan was scheduled along with the October 9 Council meeting.
2. Bus Shelters. The City Administrator explained the Montgomery County Department of Transportation proposal to locate two shelters on Maple Avenue and one on New York Avenue. After discussion, the Mayor and Council indicated their approval.
3. Ball Bank Study. The City Administrator explained to the Mayor and Council that a Ball Bank Study involves the use of a mechanical device to determine the safest speed for a vehicle's passage through a curve. Based on the analysis, the State recommends a reverse curve warning sign and 25 m.p.h. recommended speed for Philadelphia Avenue west from the Fire House. After discussion, the Mayor and Council, by consensus, concurred.
4. Fire Inspection. The City Administrator reported to the Mayor and Council that fire inspections within the City limits would be handled by the Takoma Park Volunteer Fire Department under the direction of and with the assistance of the Montgomery County Department of Fire and Rescue Services.
5. Autumn Leaves. Leaf collection procedures were discussed by the Mayor and Council with no formal changes being proposed.
6. Cable T.V. It was decided by the Mayor and Council that any person with proposals relative to cable T.V. should make their requests at regularly scheduled Council meetings.

There being no further business, the meeting adjourned at 10:40 PM.

APPROVED

  
 John D. Roth, Mayor

ATTEST

  
 Herbert W. Gilsdorf, City Administrator



THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council  
and  
Public Hearing on Proposed Issue  
of Tax Exempt Bonds for Washington Adventist Hospital  
August 27, 1979

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	Asst. City Administrator Shaffer
Councilman Forshee	City Clerk Pusti
Councilman Garcia	Accounting Supervisor McKenzie
Councilwoman Saloma	Police Chief Porter
Councilman Webb	Public Works Director Robbins
Councilman Weisman	Corporation Counsel Gingerich
EXCUSED: Councilman Ricks	

The Mayor and Council of Takoma Park met on August 27 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of August 13; this was approved by the Council.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Noted the receipt of letter from the American Automobile Association stating that the City would be issued a Pedestrian Safety Award, to be presented by Governor Hughes in a ceremony to be held September 11; this award is being given to the City for not having any pedestrian fatalities in the past seven years. Mayor Roth congratulated the safety patrols, police department, and citizens for bringing this about.

Stated that he had received a letter from the White House on August 17 forwarding the President's recommendations on energy conservation.

Listed corrections to two remarks made by Mr. Abbott at previous Council meetings: that the formerly proposed traffic bridge for Juniper Street was to have been two lanes, not four, as stated; that a special election on a proposed Charter amendment is not mandated in the State Code, but rather, decision is left to the discretion of the Council as to whether to hold a special election or to put to referendum at regular general election.

Stated that he met with Montgomery County Police Chief Crooke and was impressed with his confidence and knowledge.

Referred to rumors circulating concerning Washington Adventist Hospital bond issue; stated that the City tax rate would not increase if bond issue is approved and that the Hospital is not going broke.

ADDITIONAL AGENDA ITEMS

Discussion of two Prince George's County Council Bills--CB 117 and 118 (Mayor Roth)

CITIZENS' REMARKS

I. Recommendations to Mayor and Council by CDBG Citizens' Advisory Committee on proposed submission to Prince George's County for FY-80/81.

Mr. James Holland, Chairman, CDBG/CAC presented the Mayor and Council with



the CAC's initial recommendations for Prince George's County, for which there will be a public hearing on September 10; noted that the Montgomery County recommendations will be presented to the Council on September 10, with a public hearing to be held on September 24. Stated that there are 21 members of the community on the CAC; these members represent all citizen associations that wished to participate; that there is a broad spectrum of the City and its interests represented; the CAC has met once a week since June 26 and have put in a great deal of hard work. Mr. Holland commended Mr. Alan Shaffer, Director of Community Development, for his assistance and guidance to the CAC. Mr. Holland stated that the CAC initially had requests totalling \$350,000 for Prince George's County, but had brought it down to a final recommended figure of \$275,000; that the items included street, gutter, and sidewalk improvements, housing rehabilitation, and playground improvements--felt that these items would stand the test with the County Council. Noted that there were a number of projects recommended by members of the CAC that could not be funded under CDBG and that these would be submitted to the Council for possible City funding in a separate report. Mayor Roth stated his appreciation for all the work the CAC had done. (Copies of the Prince George's County recommendations are available in the City office; copies of Montgomery County recommendations will be available after September 10.)

II. Public Hearing on Proposed issue of tax exempt bonds for Washington Adventist Hospital. Dr. Herbert Shiroma, Administrator, WAH, briefly summed up items that were included in the Fact Sheet (circulated to all households in the City) on this proposal.

1. Sammie Abbott, 7308 Birch Avenue: made the following points: a lack of pertinent details included in Fact Sheet; protested use of City funds for its publication; citizens should receive copies of the feasibility studies and bond reports before rendering an opinion; selection of consultant firms should be done jointly by WAH and the City; noted that risk is taken by the purchaser of bonds if there is default or underpayment; that the amount of the bond issue is still unclear. Asked if the Hospital would serve as collateral in the event of default; how much of the bond issue would go toward construction and how much for retirement of current funding; whether or not proceeds would be used at Shady Grove; noted that not all patients at WAH are Takoma Park residents; that the Mayor and Council should state their opinion before requesting citizen input; requested that this meeting be considered a public briefing and not a public hearing.

2. Ron Wylie, 7618 Glenside Court: considered proposal a favorable proposition, saying that WAH provides good service to the community; indicated he shared many of the concerns expressed by Mr. Abbott and raised the following points: asked if WAH would bear the cost of hidden expenses; estimated savings for out-patient vs. in-patient care; the number of Takoma Park residents using WAH; the time frame and procedure for endorsement; expressed desire for City's involvement in selection of consultant.

3. Joseph Lerner, 7708 Takoma Avenue: stated that the Adventists provide very effective and efficient hospital care; asked for definitive statement of obligations the City would incur; said City should have input into selection of consultants and bond rating company; asked what would decide the direct return to citizens as far as services are concerned.

4. Dennis Seekins, 8217 Roanoke Avenue: stated that he is basically in favor of the proposal if the Council finds no problems involved.



- 49
5. Donald Ramsey, 8116 Roanoke Avenue: asked for clarification of "limited" in "limited obligations of the City" as used in the Fact Sheet; suggested that a portion of the bonds be issued in \$100-\$500 denominations to permit citizen investment.
  6. Lou D'Ovidio, 7324 Piney Branch Road: found the special issue of Newsletter very helpful and suggested this be done for other important issues; asked the following questions: kinds of obligations the City would have; specific figures on benefits for citizens; percentage of Takoma Park residents using the Hospital.
  7. Daniel Froelich, 7205 Willow Avenue: stated that the WAH is a great place--is close by and has good service; that Adventist hospitals are sound investments and that the City should support the proposal.
  8. Harold Myers, 7212 Cedar Avenue: said there are many other good hospitals in the area and that many residents use them; felt a precedent was being set by considering the proposal and asked if the same consideration would be given if another religious denomination asked for similar assistance.
  9. Elaine LaVaute, 240 Park Avenue: expressed opposition to bond issue, saying WAH has not been a good neighbor; said more information is needed and that the proposal should not be considered unless there is some assurance that WAH will give something in return; suggested that, if things are so bad, the hospital should move.
  10. Ron Albaugh, 7202 Central Avenue: stated that, though he does not disfavor the proposal, there are many questions still unanswered. Mayor Roth stated that the purpose of the public hearing is to hear the views of the citizens and then the Council would try to resolve any questions still remaining; that the Council would probably make their decision at the next Council meeting.
  11. Roland Halstead, 7116 Maple Avenue: stated that he is in favor of floating bonds for worthwhile organizations, but does have some reservations as mentioned by previous speakers.
  12. Mary Pennifield, 7305 Takoma Avenue: stated her support for the proposal.

Mayor Roth stated that the Council is not being asked to do something special for an institution, but that the Council is considering it because it will have a special benefit for the citizens; that all aspects must be explored to make sure that citizens will receive all benefits promised; that if another hospital were to make a similar request, the Council would take it into consideration, but would ask similar questions--would it be something special for the hospital or something special for the citizens.

In response to questions raised, Dr. Shiroma and Mr. Saxon responded as follows: Dr. Shiroma reiterated that any expenses incurred by this proposal would be paid by WAH and any expenses already incurred by City would be reimbursed; that any questions addressed directly to WAH would be answered. Mr. Terry Saxon stated that the bond issue of the cities of Riverdale and Gaithersburg have not affected their bond rating; that WAH has provided City with a favorable opinion of a municipal bond counsel; that the existing indebtedness of WAH, when final series of taxable bonds are completed, will be approximately \$17.5 million; noted requirement (if tax exempt bonds are issued) for a bond reserve fund--an amount of money which is set aside in an escrow account for the benefit of bond holders;



this money is invested at a higher yeild rate than bonds and would be used to pay off bond holders in the event of default; that at time of last interest and principle payment, this fund is used for the payment; that this fund is the reason for differing amounts for bond issue; have to use money earned on bond reserve account, which is in excess of the money expended for interest and principle payments, to offset rates at WAH. Stated that there is no way for the savings of WAH to be passed on to other institutions; regarding the amount of savings for out-patient va. in-patient, stated that approximately 84% of WAH services are for in-patients and 16% for out-patients, would assume that the \$6-8 per patient day savings would be broken down by the same percentages; that this would all depend on the final decision of the Maryland Health Services Cost Review Commission; stated that he was fairly sure that there would be no problems in setting aside a portion of the bonds to be issued in smaller denominations; that usually the bonds are sold in increments of \$5,000. Stated that WAH will be providing information on questions asked by citizens, but noted that all the documentation requested--feasibility studies, preparation of legal documents, presentations to Md. Health Services Cost Review Commission, etc., would mean an expense to WAH in the vicinity of \$250,000 to \$300,000, and WAH would need some indication of support from the City before preparing the documents. In response to Councilwoman Saloma's question for background on State law pertaining to municipalities floating tax exempt bonds, Mr. Saxon stated that historically, municipalities have used tax exempt bonds to encourage business to locate in area; that as a result of legal action involving Capital Centre, the State recognized that this statute applied to hospitals also, and it has been used widely throughout the State since that time; also noted that the bond agreement would be filed with a trustee (large national bank) and no payments would go through the City, but through the trustee. Regarding the City's input into selecting consultants, he stated that the consultants must be of national recognition and also recognized by Md. Health Services Cost Review Commission, of which there are not too many; that the City could have the right to refuse any of the consultant studies.

### III. Other Remarks by Citizens.

1. Joseph Lerner: reiterated problem of cars parking on front lawns where there is no permanent surface; noted that the City Administrator was instructed to look into changing the ordinance so it would hold up in court; Mayor Roth stated that some problems have been run into, but changes are being examined. Mr. Lerner noted the under-development of Montgomery County's Jessup Blair Park as a reason for over-use of the City's Jequie Park and SSI playground; suggested that the City contact the County to improve the park. Noted construction of a number of new homes on Blair Road which could exacerbate the problem.

2. Lou D'Ovidio: reported that applicants are being sought for nominating committee for Montgomery College Board of Trustees; suggested that someone from the City may want to serve.

3. Daniel Froelich: stated a problem he is having with junk and abandoned cars on and near property he owns on First Avenue at Allegheny Avenue; requested that something be done. Mayor Roth stated that it would be looked into.

4. Ron Wylie: presented Council with notice from Secretary of Department of Transportation which requests input from local government regarding citizen participation for transportation planning.



5. Ron Albaugh: requested current information on Flower-Carroll Avenue intersection. The City Administrator stated that a meeting has been scheduled for September 5, 7:00 PM, at the intersection with Councilmembers and Mr. Shook of Maryland SHA.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. The City Administrator stated that letters had been received from the following persons supporting the proposed WAH bond issue: Mr. and Mrs. John E. Ouram, 322 Boyd Avenue; M.S. Nigri, Vice President, General Conference of SDA; Mr. and Mrs. Ralph Magee, 7203 Holly Avenue; and Mr. and Mrs. Robert McCann, 15 Columbia Avenue.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Reminder of Public Forum on Takoma Park Master Plan Staff Draft: 8:00 PM, September 5, 1979, Municipal Building (copies of plan available in City Office).

2. Report on neighborhood survey re request to reroute #16 Ride-on bus to serve Ritchie Avenue. The City Administrator reported that of the 44 letters mailed to residents of Ritchie Avenue, four responses were received; of those, three had no objections, and one objecting unless stop lights were installed at both ends of Ritchie and all parking prohibited; that the hearing on this matter would be held by the County in mid September. Mayor Roth stated that because of the small response, he felt the matter should be pursued further and would try to contact residents personally.

3. Report on neighborhood survey on Appeal A-605, side yard variance, 8007 Wildwood Drive; public hearing: 1:30 PM, 9-27-79, COB, Rockville. The City Administrator stated that of the five neighboring property owners surveyed, three responses were received, all in favor. Councilman Faulkner made a motion that the City make no objection to this appeal; this was seconded by Councilman Weisman and approved by the Council.

4. First Reading of proposed ordinance prohibiting parking on South side of New York Avenue from Takoma to Chicago Avenues between 8AM and 8PM. Mayor Roth suggested that the Council take a look at this location before the next meeting. (See Attachment.)

5. Resolution/Ordinance amending Sec. 1.31 of City Charter. Upon motion by Councilman Faulkner, duly seconded by Councilman Forshee, Resolution 1979-1, Ordinance No. 2505 (ATTACHED) was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Saloma, Webb and Weisman. NAY: None. EXCUSED: Councilman Ricks. The City Administrator stated that this amendment becomes effective on the 50th day after adoption, or October 16, 1979, unless citizens petition to have the amendment put to referendum within 40 days. Corporation Counsel Gingerich stated that the amendment must also be posted and published in newspapers of local circulation not less than four times at weekly intervals within 40 days after adoption.

Resolution 1979-1, Ordinance No. 2505 (ATTACHED)



6. Authorization for City to participate with Prince George's and Montgomery Counties for Community Development Block Grant purposes. Upon motion by Councilman Faulkner, duly seconded by Councilman Webb, authorization was unanimously granted by the Council.

7. Ordinance awarding bid and appropriating Revenue Sharing Funds for Police Department base radio station. Upon motion by Councilman Webb, duly seconded by Councilman Garcia, the following ordinance was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Saloma, Webb and Weisman. NAY: None. EXCUSED: Councilman Ricks.

ORDINANCE #2506

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

SECTION 1. THAT the Proposed Use Schedule for FY-80 Federal Revenue Sharing Funds set aside \$4,500 for the purchase of a replacement base station radio for the Police Department; AND

SECTION 2. THAT bids were solicited from qualified bidders and notice advertised twice in two weekly newspapers of local circulation, with bids having been opened publicly at 2:00 PM, August 23, 1979; AND

SECTION 3. THAT three bids were received with the General Electric Company of Springfield, Virginia submitting the low bid of \$2,313.00; AND

SECTION 4. FURTHER THAT the net bid total is inclusive of \$168.00 for extended warranty (one year) on both parts and labor for the station and remote unit; AND

SECTION 5. THAT funds in the amount of TWO THOUSAND THREE HUNDRED THIRTEEN DOLLARS (\$2,313.00) be appropriated from Federal Revenue Sharing Account Funds and transferred to the appropriate Police Department Account.

8. Ordinance awarding bid and appropriating Revenue Sharing Funds for Police Department recording equipment. Upon motion by Councilman Faulkner, duly seconded by Councilman Garcia, the following ordinance was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Saloma, Webb and Weisman. NAY: None. EXCUSED: Councilman Ricks.

ORDINANCE #2507

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

SECTION 1. THAT the Proposed Use Schedule for FY-80 Federal Revenue Sharing Funds set aside \$7,500 for the purchase of recording equipment for the Police Department; AND

SECTION 2. THAT bids were solicited from qualified bidders and notice advertised twice in two weekly newspapers of local circulation, with bids having been publicly opened at 2:15 PM, August 23, 1979; AND

SECTION 3. THAT two bids were received with the Dictaphone Corporation of Rye, New York submitting the low bid of \$7,498.50; AND

SECTION 4. FURTHER THAT the net bid includes a one year maintenance contract on the equipment and thirty (30) 1/4" tapes; AND



SECTION 5. THAT funds in the amount of SEVEN THOUSAND FOUR HUNDRED NINETY-EIGHT DOLLARS AND FIFTY CENTS (\$7,498.50) be appropriated from Federal Revenue Sharing Fund Account and transferred to the appropriate Police Department Account.

9. Ordinance appropriating Revenue Sharing Funds for Public Works Department Capital Improvement Projects. Upon motion by Councilman Faulkner, duly seconded by Councilman Webb, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Saloma, Webb and Weisman. NAY: None. EXCUSED: Councilman Ricks.

ORDINANCE #2508

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

SECTION 1. THAT the Proposed Use Schedule for FY-80 Federal Revenue Sharing Funds set aside \$40,000 for public improvements on sections of Hammond, Lincoln, Carroll and Maple Avenues; AND

SECTION 2. THAT said public improvements will be performed by City forces and will consist of installation or replacement of curbs and gutters, repair or replacement of sidewalks, and resurfacing or regrading of road surfaces as listed in Section 1; AND

SECTION 3. THAT funds in the amount of FORTY THOUSAND DOLLARS (\$40,000) be appropriated from Federal Revenue Sharing Funds Account and transferred to the appropriate Public Works Department Account.

10. Mayor Roth stated that he had received a letter from Prince George's County Councilman Glendenning which discussed two proposed County Council bills, CB-117 and CB-118, which would be of interest to the City. The Mayor stated that CB-118, which was prepared on request of the County Executive, would freeze municipal tax differential payments at the FY-79 level; the bill further states that if the State were to provide additional revenues to municipalities, which involves passing funds through the County, the tax differential payment would be diminished even further; this would forestall municipalities from asking for any funds over and above the amount of the FY-79 payment. Councilman Garcia made a motion that the Council oppose this bill by letter to the County and by having a Councilmember appear at the public hearing on this bill; this was seconded by Councilman Faulkner and approved unanimously by the Council. Mayor Roth noted that both bills would be sent to Corporation Counsel for his opinion.

Mayor Roth stated that CB-117 proposed that a 2/3 vote of the County Council, sitting as the District Council on zoning cases, be required to over-ride a municipality's recommendation on Sectional Map Amendments (zoning changes); that at present, only a majority vote is required to over-ride; noted that this bill would pertain to the County's voting on the City's Master Plan. Councilman Faulkner moved that the Council support this proposed bill; this was duly seconded by Councilman Weisman and approved unanimously by the Council.

Upon motion, duly seconded, the meeting adjourned at 10:30 PM, to reconvene on Monday, September 10, 1979, at 8:00 PM.

APPROVED John D. Roth  
John D. Roth, Mayor

ATTEST Herbert W. Gilsdorf  
Herbert W. Gilsdorf, City Administrator



## RESOLUTION 1979-1

ORDINANCE No. 2505

## CITY CHARTER AMENDMENT

TO UPDATE CHARTER AMENDMENT  
AND REFERENDUM PROCEDURE,  
SEC. 1.31

WHEREAS, changes in the Maryland State Law and recent court decisions have rendered portions of Sec. 1.31., "Charter; amendment; referendum," of the City Charter obsolete;  
AND

WHEREAS, the Mayor and City Council deem it necessary to bring the Charter amendment and referendum procedure in compliance with State Law.

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

SECTION 1. THAT Sec. 1.31, "Charter; amendment; referendum," of the Charter of Takoma Park, Maryland, 1972, as amended, be repealed in its entirety and that there be enacted in its place the following:

Sec. 1.31. Charter amendment.

An amendment of this Charter may be initiated by the council or by a petition of qualified voters of the City of Takoma Park in the manner hereinafter provided; except, that no such amendment shall affect Section 1.2 of this Charter.

Sec. 1.32. Initiation by council.

(a) The council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this article, is ordained or passed as in the usual course of considering resolutions in the government of the council by a majority of all the persons elected to the council.



(b) In conformity with a requirement imposed upon the General Assembly by Article 3, section 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

(c) In conformity with a requirement imposed upon the General Assembly by Article 3, section 29 of the Constitution of Maryland, every Charter amendment adopted by the council shall embrace but one subject, and that shall be described in its title.

(d) The mayor shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted in the Municipal Building or another main municipal building or public place for a period of at least forty days following its adoption, or the posted notice shall state that, if the proposed amendment is adopted, the city then shall be governed under and according to the municipal corporation charter contained in Article 23B of the Annotated Code of Maryland, title "Municipal Corporation Charter." Or, if the city has adopted substantially the provisions of said Article 23B, the posted notice shall so declare and shall also include a fair summary of the provisions in the Charter which differ from those in Article 23B.



56

(e) A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park not less than four times, at weekly intervals within a period of at least forty days after the adoption of the resolution containing the proposed amendment or amendments.

(f) The amendment or amendments so proposed by the council shall become and be considered a part of this Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth day after being so ordained or passed, unless on or before the fortieth day after being so ordained or passed there shall be presented to the council, or mailed to it by registered mail, a petition meeting the requirements of this section.

(g) The petition shall be signed by twenty percent or more of the persons who are qualified to vote in municipal general elections of the City of Takoma Park and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the city. Each person signing the petition shall indicate thereon both his name and residence address. Upon receiving the petition for a referendum, the council is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition as of no effect if it is signed by fewer than twenty percent of the persons who are qualified to vote in municipal general elections.

(h) If the petition for a referendum complies with



the requirements of this section, the council shall  
by resolution, passed as in its normal legislative  
procedure, specify the day and the hours for the  
election at which the question shall be submitted  
to the voters of the City of Takoma Park. This may  
be at either the next regular general election or  
at a special election, in the discretion of the  
council. In the event a special election is desig-  
nated, it shall be held within a period of not less  
than forty days nor more than sixty days after the  
final passage of the resolution providing for the  
referendum. The resolution providing for the  
referendum shall specify the exact wording which is  
to be placed on the ballots or voting machines when  
the question is submitted to the voters of the city.

Sec. 1.33. Initiation by petition of qualified voters

(a) Twenty percent or more of the persons who are  
qualified to vote in municipal general elections in  
the City of Takoma Park may initiate a proposed  
amendment or amendments to the municipal Charter,  
by a petition presented to the council. The peti-  
tion shall contain the complete and exact wording  
of the proposed amendment or amendments, and the  
proposed amendment or amendments shall be prepared  
in conformity with the several requirements con-  
tained in subsections (b) and (c) of section 1.32  
of this Charter. Each person signing it shall  
indicate thereon both his name and residence address.  
Upon receiving the petition, the council is directed  
to verify that any person who signed it is qualified  
to vote in municipal general elections, and shall  
consider the petition as of no effect if it is  
signed by fewer than twenty percent of the persons



58

who are qualified to vote in municipal general elections. If the petition complies with the requirements of this section, the council shall by resolution, passed as in its normal legislative procedure, and not later than sixty days after the petition shall have been presented to it, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the next regular municipal general election or at a special election, in the discretion of the council. In the event a special election is designated, it shall be within a period of not less than forty days nor more than sixty days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting machines when the question is submitted to the voters of the city.

(b) Provided, however, that if the council shall approve the amendment or amendments provided for in the petition presented to it under subsection (a) above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by the council and in compliance with the provisions of section 1.32 of this Charter.

(c) Further provided, however, that the council may by resolution passed as in its normal legislative procedure, submit an alternative Charter amendment or amendments to be voted on at the same election as any charter amendment or amendments initiated by



petition of qualified voters of the city. Such a resolution, proposing an alternative Charter amendment or amendments, must be passed by the council, if at all, no later than sixty days from the date the original petition is presented to the council by the qualified voters of the city. Posting and publication of an alternative Charter amendment or amendments shall be as set forth in section 1.34 of this Charter.

Sec. 1.34 Posting and publication.

The mayor shall give notice by posting and publication of any submission of a proposed Charter amendment to the voters thereof. For not less than four weeks immediately preceding the election at which the question is to be submitted, a complete and exact copy of the wording of the proposed Charter amendment or amendments shall be posted at the Municipal Building or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Or, in lieu of such posting, there shall be posted a statement that, if the amendment is adopted, the city shall be governed under and according to the municipal corporation Charter contained in Article 23B of the Annotated Code of Maryland, titled "Municipal Corporation Charter," and that this municipal corporation Charter comprises the proposed amendment or if the city has adopted substantially the provisions of said Article 23B, the posted statement shall so declare and also should include a fair summary of the provisions in the Charter which differ from those in Article 23B. Notice of the election, together with a fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park, not less than once in each



60

of the four weeks immediately preceding the elec-  
tion.

Sec. 1.35 Referendum.

(a) On the day and during the hours specified for  
any referendum, the proposed Charter amendment or  
amendments shall be submitted to the qualified  
voters of the city. The official or officials  
thereof whose duty it is to arrange for and conduct  
the regular municipal elections shall perform the  
same duties so far as relevant to the referendum  
election on the proposed Charter amendment or amend-  
ments. It is the intent of this section that the  
referendum election shall be conducted generally  
according to the procedures and practices observed  
for regular city elections, except as specifically  
or necessarily modified by the provisions of this  
article. The wording specified by the council in  
the resolution providing for a referendum on the  
Charter amendment or amendments shall be placed  
on the ballots or voting machines used at the refer-  
endum election. The expenses of the referendum  
election shall be defrayed by the city.

(b) The official or officials charged with the duty  
to arrange for and conduct the referendum promptly  
following the closing of the polls, shall tally the  
results thereof and shall forthwith certify the  
results of the referendum to the mayor.

(c) If a majority of those who vote on any question  
so submitted to the voters of the city shall cast  
their votes in favor of the proposed Charter amend-  
ment or amendments, the mayor shall so proclaim  
publicly within ten days after receiving a certifica-  
tion of the votes from the officials conducting the



referendum; and on the thirtieth day following the public proclamation the proposed Charter amendment or amendments shall become a part of the Charter of the City of Takoma Park, according to its terms, in all respects to be effective and observed as such. If two or more amendments to the same provision of the Charter, whether an entire section or a specified portion of a section, each receive a majority affirmative vote at the same election, only the amendment receiving the largest number of affirmative votes shall be proclaimed adopted. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed Charter amendment or amendments, the mayor shall so proclaim, adding to his proclamation the statement that the proposed Charter amendment or amendments contained in said question are null and void and of no effect whatsoever.

Sec. 1.36. Form and registration of amendments.

(a) In any proposal to amend an existing Charter of the city, the new matter, if any, to be added to the Charter shall be indicated by being underscored or in italics and all matters to be eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections, the words of such new section or sections shall also be underscored or in italics or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in entirety any section or sections of the



existing Charter, the matter intended to be repealed  
need not be written out in full and enclosed in  
either double parentheses or boldface brackets.

(b) The resolution to amend the Charter shall  
identify the source of the existing section or  
sections, citing the Code or other publication or  
amendment in which appears the most recent text  
of the section or sections to be amended.

(c) Amendments to the Charter shall be in a con-  
secutively numbered series.

(d) The resolution to amend the Charter shall pro-  
vide specifically (and not simply by implication)  
for the repeal of any section or sections of the  
existing Charter which are inconsistent with the  
amended section or sections.

(e) A proposal to amend the Charter, whether initi-  
ated by the council or by a petition of qualified  
voters of the city, may not be rescinded after its  
adoption by the council or after its formal sub-  
mission in a petition, in any manner other than  
that of another Charter amendment.

(f) At the time a Charter amendment or amendments  
become effective by reason of having been ordained  
or passed by the council, or at the time of making  
a public proclamation as to the vote on any question  
containing a proposed Charter amendment or amend-  
ments which have been adopted, the mayor shall send  
separately by registered mail to the Secretary of  
State of Maryland and to the Department of Legisla-  
tive Reference the following information concerning  
the Charter amendment or amendments: (1) The com-  
plete text thereof, or a statement that the Charter



contained in Article 23B has been adopted, (2) the date of the referendum election, if any, (3) the number of votes cast for and against each question containing the Charter amendment or amendments, whether in the Council or in a referendum, and (4) the effective date of the Charter amendment or amendments.

(g) The Charter amendment or amendments are not effective and shall not be applied or considered as if effective, unless and until it or they have been registered as required in subsection (f) of this section.

Sec. 1.37 Codification of amendments.

The exact text of any amendment or amendments to the Charter adopted as in this article specified, shall thereafter be included in any subsequent edition or codification of the Charter of the city, until altered, modified or repealed by a subsequent amendment or amendments to the Charter.

SECTION 2. FURTHER THAT any sections of the Charter which are inconsistent with the foregoing section are hereby repealed; and

SECTION 3. THAT the provisions contained herein shall become effective upon the fiftieth day after adoption on second reading.



64  
ATTACHMENT

PROPOSED ORDINANCE

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

SECTION 1. THAT the provisions of subsection D(1), Section 2, of Ordinance No. 2405, adopted November 8, 1976, be hereby repealed and that the following be enacted in its place:

D. OTHER PARKING RESTRICTIONS:

(1) New York Avenue, South side, between Takoma Avenue and Chicago Avenue: Parking shall be prohibited between the hours of 8:00 AM to 7:00 PM, Monday through Friday. AND

SECTION 2. THAT the Director of Public Works is hereby requested to erect signs necessary to effect the directives of Section 1, above; AND

SECTION 3. THAT this ordinance shall become effective after adoption on second reading and upon completion of the signing; AND

SECTION 4. FURTHER THAT the penalty for violation of this ordinance shall be as stated in Sec. 13.63.1(i), Code of Takoma Park, Md., 1972, as amended.