

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
November 3, 1980

Councilmembers present:

- Mayor Abbott
- Councilmember Garcia
- Councilmember Holland
- Councilmember Patrick
- Councilmember Ramsey
- Councilmember Ricks
- Councilmember Saloma
- Councilmember Weisman
- City Administrator Gilsdorf

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

1. Businessmen/Citizen Committee on Proposed Carroll Avenue Rezoning. Councilmembers Weisman and Holland suggested that a Committee composed of five business representatives and five citizens be appointed to discuss the proposed rezoning of commercial properties on Carroll Avenue from C-2 to C-1. Mr. Karl Kessler(representative of business community) told Councilmembers that he would suggest five members from the business community, and in turn, the Council agreed to discuss five citizen nominees at the pre-Council meeting on November 10.
2. City Commission on Landlord Tenant Affairs (COLTA). Chairperson Lynn McKinney discussed COLTA's Interim Rules with the Mayor and Council. It was mutually agreed that there would be some language changes and substantive revisions which would eliminate the Commission's employing outside legal counsel and escrowing of funds. It was further agreed that the Commission be given a \$5,000 budget to sustain its operation until July 31, 1981.
3. City Administrator's Report to the Council. The City Administrator reported to the Mayor and Council on the status of 7667 Maple Avenue, the proposed closing of the Spring Park Summer Program, and prices for a bicycle rack for the Municipal Building. Councilmembers requested that the City Administrator furnish further information on the Spring Park Summer Program and additional prices on bicycle racks. These matters will be discussed at a future worksession.
4. Fire Chief Roger McGary appeared before the Mayor and Council and discussed the ramifications of the Down-County Task Force Report and its analysis by the Montgomery County Office of Budget and Management.
5. Councilmember Ramsey's Financial Proposals. After considerable discussion by the Mayor and Council, no decisions were made as to what course would be followed in developing the City budget for Fiscal Year 1981-1982. Councilmember Ramsey will offer further recommendations at a later time.

There being no further business to discuss, the meeting adjourned at 11:30 PM.

APPROVED _____
Sam A. Abbott, Mayor

ATTEST _____
Herbert W. Gilsdorf, City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
November 10, 1980AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES OF OCTOBER 27, 1980

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) First reading of a proposed ordinance instituting traffic control and pedestrian safety measures in the Holly-Dogwood-Tulip Avenue area (Councilmember Saloma)
 - (2) First reading of a proposed ordinance to establish "No Parking" zones adjacent to Ride-on bus stops in the 7600 block of Maple Avenue
 - (3) Second reading of a proposed ordinance adopting Montgomery County's Human Relations and Civil Liberties Ordinance and providing for enforcement in the City by the County's Human Relations Commission
 - (4) Proposed ordinance appropriating Revenue Sharing Funds to cover expenses incurred by the Takoma Park Commission on Landlord-Tenant Affairs
 - (5) Appointment of a businessmen-citizen group for the Carroll Avenue commercial area (Councilmember Weisman)
 - (6) Authorization to solicit bids on Recreation Department play equipment, using Community Development Block Grant Funds
 - (7) Discussion of City's position on proposed Metro and Metrobus fare increase (Mayor Abbott)

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
November 10, 1980

City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	City Clerk Pusti
Councilmember Patrick	Acting Chief of Police Carter
Councilmember Ramsey	Public Works Coordinator Smith
Councilmember Ricks	Recreation Director Ziegler
Councilmember Saloma	Corporation Counsel Gingerich
Councilmember Weisman	

The Mayor and City Council of Takoma Park met on November 10, 1980, at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, upon motion, duly seconded, the minutes of October 27, 1980 were approved.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott, with the assistance of Captain Charles West and Emergency Medical Technician Jullena Jones, awarded Babysitting Certificates to the following youngsters: Marie Collier, Carol Griffith, Chris Hoge, Elizabeth Hoge, Colleen McGary, Christine Peratino, Carrie Thayer, and Teresa Williams. It was noted by Captain West and Emergency Medical Technician Jones that the students undergo an intensive course including fire prevention, police protection, and also the feeding, care and medical assistance for infants and children. Mayor Abbott and Councilmembers congratulated the graduates.

Mayor Abbott announced that members of Cub Scout Pack #431 were in the audience to observe the Council meeting and that it is good to see young people interested in community affairs.

Stated that on behalf of the Council and citizens, he would like a letter sent to Congresswoman Gladys Spellman wishing her a speedy recovery; noted that a letter to the editor concerning Mrs. Spellman, in which her outstanding service to citizens was cited, also the unique contribution and individual attention she gives to her constituents; stated that he hoped citizens would take it upon themselves to also contact Mrs. Spellman with the same wishes.

Regarding the proposed Zip Code change, Mayor Abbott stated that he has spoken with the Director of Community Relations of the Postal Service and was told that the City will not have one Zip Code, but two as it now has; that the mail will be handled by the Silver Spring Post Office, instead of being sent downtown; that the Maple Avenue Post Office will remain in service until July, and the Post Office on Holton Lane will remain as it is; that when more information is obtained, he will inform citizens.

Reminded citizens of the following hearings by the City's Commission on Landlord-Tenant Affairs: Wednesday, November 12, 7:00 PM, Council Conference Room, re: 126 Lee Avenue; Wednesday, November 12, 8:30 PM, Council Conference Room, re: 7611 Maple Avenue; Wednesday, November 19, 7:00 PM, second floor

meeting room #3, re: 7513 Maple Avenue; and Wednesday, November 19, 7:30 PM, second floor meeting room #3, re: 7777 Maple Avenue.

Mayor Abbott also reminded citizens of the Montgomery County Council's Public Hearing to be held Wednesday, November 13, 8:00 PM, County Office Building in Rockville, Maryland concerning the proposal to extend the proximity between group homes in the County from the current 1,000 feet to 3,000 feet; stated that Councilmember Weisman is to present the Council's position in support of this proposal at the Hearing; urged citizen support also on this, and asked that citizens also speak at the Hearing.

Announced the County's Public Hearing on the Precious Metal Bill to be held Thursday, November 14, 8:00 PM, County Office Building in Rockville, Md.; this Bill would require a fifteen-day transaction period for sales and also that payments be made by check instead of cash.

Stated that Prince George's County Councilmembers Mills, Casula and McDonough have introduced a bill (CB-116-1980) to amend the section of the County Code pertaining to adult book stores; the bill would reduce the amount of adult material allowed from twenty-five percent to five percent which would also include limiting devices for viewing adult material; all non-conforming stores would be allowed to continue operation until July 1, 1985 to provide for amortization. Mayor Abbott stated that the Council would discuss this bill (addressing the effective date in particular) and decide on a position at the next meeting since the operation of an adult book store just outside City limits affects many people.

Mayor Abbott stated that he would be attending a meeting on Tuesday, November 11, concerning the joint tax differential payment suit against Prince George's County Executive Hogan; that from information he has received, the outcome of the suit sounds hopeful for the municipalities involved.

Councilmember Holland announced that Mrs. Evelyne Ferry, an active citizen of Takoma Park, had suffered a heart attack and is now recuperating in Holy Cross Hospital.

CITIZENS' REMARKS

1. Phil Vogel, 7117 Garland Avenue: raised several questions concerning an agenda item about the appointment of a businessmen-citizen group for the Carroll Avenue commercial area. Councilmember Weisman stated that he and Councilmember Holland were directed by the Mayor to present positions and proposals for the adoption of the Master Plan; that as part of this directive, they had suggested the formation of such a group, which would include five members each of the business community and citizens, who would meet and discuss the pros and cons of the proposed downzoning of the business districts on Carroll Avenue; the group would identify common goals and interests, and there would be two progress reports made to the Mayor and Council during their period of operation, and a final written report within ninety days of the group's appointment; Councilmember Weisman noted that this proposal had been introduced at the Council's worksession of November 3, and that no decision on membership has been made. Mr. Vogel stated that he saw no need for such a group, but if

it is to be formed, there should be much more publicity, so that all interested persons could apply for appointment; that the language of the agenda item is misleading. He suggested that Councilmembers may have already made the selections but was assured this was not the case. Councilmember Holland, along with Councilmember Weisman agreed that an article could be placed in the Newsletter asking for volunteers for the group. Mr. Vogel addressed another concern of his; the adult bookstore located at 6854 New Hampshire Avenue, saying that he felt the Council was not doing enough to get rid of this eyesore which is adjacent to two residential areas; indicated he had written to the Mayor and Council, but had received no response. (Later in the meeting, Mayor Abbott stated that he responds via telephone.) It was noted by Councilmembers and the City Administrator that this store is outside City limits; that the City has been in contact for some time with the County regarding enforcement of their adult bookstore law but, when the last inspection was made, it was found that the store is within the legal limitations of twenty-five percent of the material classified as adult; the City Administrator noted that he had discussed this with Mr. Vogel and referred to the County bill that the Mayor had discussed earlier as an attempt to curb the problem. Mr. Vogel reiterated his point that Councilmembers should be doing more; that the Council, through the Newsletter, should help organize and notify citizens. It was suggested that Mr. Vogel prepare something for the Newsletter. Mr. Vogel also requested that the Council push for enforcement of the parking regulations at the Takoma Metro station parking lot and to restate their position to Washington Metropolitan Area Transit Authority on maintaining the prohibition against daytime parking at that station.

2. Resident, 7620 Maple Avenue: requested that the Council institute two No Parking-Bus Stop areas on Maple Avenue in front of the Franklin Apartments, noting the difficulties experienced by the elderly and handicapped persons who live there; also pointed out the many cars along Maple Avenue that have D. C. tags. Mayor Abbott and the Chief of Police stated that there is a proposed ordinance on the agenda for the establishment of the No Parking zones. The Chief stated that the Police Department will soon undertake a program to deal with the problem of City residents with cars registered in D. C.; that this is mainly due to the fact that D. C. drivers do not have to have insurance to get their cars registered.

3. Carl Iddings, 7416 Carroll Avenue, President Pro-Tem, Carroll Ridge Neighborhood Association: announced the formation of the new citizens' association and that he would forward information on the boundaries and by-laws of the association. Mr. Iddings stated his support of Mr. Vogel's position on the businessmen-citizen group, suggesting the group would be slanted more toward the business community than toward citizens and it would just prolong the Master Plan process.

4. Ron Albaugh, 7202 Central Avenue: stated his concern about the amount of time already put into the Master Plan; said that Prince George's County would like to, and seems to be pushing for, the final adoption of the Plan, while Montgomery County is in no hurry; felt that since the only hold up for the Plan seems to be in Montgomery County, that the Council should take a position on the Prince George's section of the Plan and have its adoption process begun. Some

Councilmembers and the Mayor agreed that the adoption of the Prince George's section of the Plan could be a possible solution for finalizing the process, but it was noted that before this could take place, it would be necessary to hold another public hearing. Mr. Phil Vogel voiced the opinion that the Plan should not be split, but adopted in its entirety, since it covers the whole City. Mr. Albaugh expressed agreement with Mr. Iddings statement on the businessmen-citizen group.

5. Ron Wylie, 7816 Glenside Court: thanked the Mayor for appointing him to serve as the City's representative on COG's Human Resources Citizens Advisory Committee, which looks into the problems and concerns of handicapped individuals; stated that there will be a public hearing on December 8, 7:00 PM, at COG, to outline steps to make area transportation accessible to all citizens. Stated that he is perplexed with where the Council is going on several issues, including the Master Plan and the Carroll/Laurel Revitalization; suggested an article in the Newsletter listing what the citizens can expect for a six-month period.

6. Bart Weisman, 6811 Westmoreland Avenue: requested that the Council establish a complete four-way stop at the intersection of Fenton and Takoma Avenues, or a four-way stop, with right turn with no stop for vehicles coming down Fenton toward Takoma, noting that there is a serious hazard there during rush hours; also suggested that parking be eliminated on Fenton between Takoma Avenue and the new College parking garage. Chief Carter stated his agreement with a change in the traffic flow at the intersection of Takoma and Fenton Avenues, noting his preference for a four-way stop. Councilmembers Weisman and Holland requested that the Chief prepare a report for the Council on the two suggestions made by Mr. Weisman. Mr. Weisman suggested that the City analyze and make changes in the Home Rehabilitation Loan/Grant Program; Community Development Director Shaffer stated that the City staff is currently reviewing the program for some possible changes; he also noted that although the City funding limit is \$12,000, a homeowner can apply with the County or State for additional funds.

7. Lou D'Ovidio, 7324 Piney Branch Road: stated that the parking problems on Fenton and the traffic flow at the intersection of Fenton and Takoma Avenues were discussed at the North Takoma Citizens Association meeting and that something should be done similar to what Mr. Weisman suggested; regarding the parking problems at the Metro station, suggested that the D.C. police be called in to enforce the regulations since it is within their jurisdiction; requested that the Council consider a No Parking-Bus Stop zone for the two Ride-on bus stops on Takoma at Baltimore and Buffalo Avenues. Councilmember Weisman requested that the Council consider incorporating these two bus stops into the proposed ordinance to be discussed later in the meeting. Mr. D'Ovidio noted that there is already a committee in operation concerning the Carroll/Laurel area; it was noted that the group proposed by Councilmembers Weisman and Holland would only involve zoning and not revitalization, although the proposed group could take revitalization into their discussions as well. Mr. D'Ovidio presented the Council with a copy of the October 1980 issue of Rockville's newsletter which discusses that City's successful newspaper recycling operation; suggested that the Council should seriously consider a recycling program for the City.

8. David Sawyer, 7422 Buffalo Avenue: regarding the proposed fare increases for Metrorail and Metrobus, suggested that the Council endorse an idea of his for special lower rates for unemployed people; also suggested that the Council request Montgomery County Ride-on to accept Metro transfers, even if they may have to charge a minimal fee. Suggested that Neighborhoods Together could help in organizing citizens against the adult book store. Proposed moving the Ride-on bus stop located on Takoma Avenue between Baltimore and Piney Branch, closer to Piney Branch and establishing a zone--No Parking From Here to Corner, to alleviate access problems.
9. David Prosten, 7428 Carroll Avenue: urged Council to keep in mind that the business representatives to the businessmen-citizen group have probably formulated an opinion and if a vote is taken by the five businessmen vs. five citizens, it will probably be deadlocked; that he does not see the group working in any way against the business community and that it is unnecessary; suggested that the Council just move along with the Master Plan process without the group,
10. Mike Messinger, 7411 Flower Avenue: announced that Montgomery County will hold a public hearing on increasing the fares for the Ride-on bus system from 35¢ to 45¢; hearing will be held on November 24, 1980 in Rockville, Md. Suggested that if the businessmen-citizen group is formed, that it be expanded to create some type of rapport between the two groups and develop a program for improving services by the businesses to the community.
11. Karl Kessler, owner, Barcelona Nut Shop: stated that the businessmen want to work with the City and its citizens and felt that the group would be an excellent way to further better relations between the two; agreed that Prince George's section of the Master Plan should be approved, while the problems in Montgomery County are being addressed. He said that many of the current businesses would be affected by the downzoning and would have to discontinue operation; noted that the City, as of this year, does receive tax money (Corporate Personal Property Tax) from the businesses with his share having been \$4,000; that the downzoning would call for Local Convenience Commercial businesses along Carroll Avenue and such businesses have been tried before in that location and have failed because of lack of citizen support; stated his support for the formation of a businessmen-citizen group and agreed that there should be more publicity to elicit names for group members. Councilmember Saloma suggested a compromise to the formation of the group; suggested that the businessmen prepare a position paper to be presented at a public briefing (more than one if necessary) to obtain citizen comment and Park and Planning staff comments; felt this would be a more efficient format. Mr. Kessler agreed that this suggestion is also good; would like to have as many citizens involved as possible to get information to them on the businesses. Several members of the audience agreed that there should be as much communication as possible on this issue before a decision on the formation of the group is made.
12. Paul Plant, 7411 Carroll Avenue: agreed with suggestion of public briefing, but did not want to see the Master Plan process delayed any longer than it has been.

ITEMS FOR COUNCIL CONSIDERATIONCommunications

1. Carl Iddings, President pro-tem, Carroll Ridge Neighborhood Association. Announcement of formation of the new citizens association.
2. Prince George's County Board of Appeals. Notice of final decision by Board on Appeal No. 5897, 7104 Central Avenue; Appeal was granted to construct a sundeck.
3. Prince George's County Board of Appeals. Notification that Appeal No. 5908, 6600 Allegheny Avenue, was granted for the construction of an addition onto the rear of the house.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. First Reading of a proposed ordinance instituting traffic controls and pedestrian safety measures in the Holly-Dogwood-Tulip Avenue area. Councilmember Saloma stated that she had requested that this ordinance be drafted to help alleviate problems raised at a citizen meeting dealing with traffic problems on Holly Avenue. In response to questions the Chief of Police said that any City street that does not have a posted speed limit, is automatically 30 miles per hour, in accordance with State law; Mayor Abbott suggested notifying citizen associations of this, in case they may wish to request posted speed limit signs for their areas. The ordinance (Attachment A) was accepted by the Council for First Reading.
2. First Reading of a proposed ordinance to establish "No Parking" zones adjacent to Ride-on bus stops in the 7600 block of Maple Avenue. Councilmember Ricks requested that the ordinance be amended to include the two bus stops on Takoma Avenue, as suggested by previous speakers; with the amendment being accepted by the Council, the proposed ordinance was approved for First Reading. (See Attachment B)
3. Ordinance adopting Montgomery County's Human Relations and Civil Liberties Ordinance and providing for enforcement in the City by the County's Human Relations Commission. Upon motion by Councilmember Ricks, duly seconded by Councilmember Garcia, the Human Relations and Civil Liberties Ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None. EXCUSED: None. (Ordinance No. 2539, 32 pages in length, is available for inspection in the City Office.) *attached*
4. Ordinance appropriating Revenue Sharing Funds to cover expenses incurred by the Takoma Park Commission on Landlord-Tenant Affairs. Councilmember Ricks made a motion, duly seconded, that the ordinance be adopted. It was noted by Councilmember Ramsey that the Revenue Sharing Planned Use Schedule has set aside \$21,000 for Landlord-Tenant Program which could be used for the County's Office of Landlord-Tenant Affairs program or the City's, as long as the money is used for landlord-tenant activities. The City Administrator stated that the billing has been received from Office of Landlord-Tenant Affairs covering the entire year (July 1980-June 1981) and it is in excess of the \$21,000; that

taking the \$5,000 from Revenue Sharing Fund-Landlord-Tenant Program set-aside, there would be nothing to preclude the Council's amending the budget at a later time to replace those funds with monies from the Emergency Fund; that if the Council decides not to stay with Office of Landlord-Tenant Affairs' services for the entire year, then only a partial payment of their billing would be necessary. There was some discussion of amending the ordinance to include the City Administrator's statement of transferring funds, among other amendments; Councilmember Patrick made a motion, duly seconded by Councilmember Garcia, that the ordinance stand as written. Councilmember Holland moved that the word "overtime" in the ordinance be changed to state "staff time"; stated that with this amendment, the Council would be able to evaluate the true cost of the program at the end of the year, otherwise, the total amount of staff hours would not be reflected; Councilmember Ramsey seconded this motion, Councilmember Saloma stated that she felt this amendment was crucial for the evaluation of the program. When the amendment was put to a vote, it was approved by the majority of the Council, with Councilmember Ricks voting in the negative, noting that he did not think the amendment was necessary to account for staff persons' time during regular working hours. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2540

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

SECTION 1. THAT the FY-81 Federal Revenue Sharing Proposed Use schedule earmarked \$21,000 for a landlord-tenant program; AND

SECTION 2. THAT the Takoma Park Commission on Landlord-Tenant Affairs, set up by Ordinance No. 2532A, adopted June 9, 1980, has incurred certain expenses in the form of materials, postage, staff-time, etc.; AND

SECTION 3. THAT it is anticipated that expenditures associated with the Commission will continue to accrue during the life of the body; AND

SECTION 4. THEREFORE THAT funds in the amount of FIVE THOUSAND DOLLARS (\$5,000) be appropriated from the Revenue Sharing Account and transferred to the applicable Government Administration accounts.

5. Appointment of a businessmen-citizen group for the Carroll Avenue area. Councilmember Weisman reiterated the proposal for this group as stated earlier in the meeting, and made a motion that the Council approve those goals and objectives; the motion was duly seconded by Councilmember Holland. There followed a lengthy discussion in which the following points were raised by Councilmember Saloma and others: questions as to what would happen if there was a tie vote in the group since it would be made up of an equal number of citizens and businessmen; how much weight will the Council give to the group's final report and will a decision be based on that report; Councilmember Saloma again suggested that the businessmen prepare a statement of position, using all resources, i.e., Park and Planning and the County Community Development Office, etc.; also that public briefings be held to present the position so that

citizens can comment on it. Mayor Abbott agreed with Councilmember Saloma's suggestion, noting that the formation of a group would just delay a final decision on the Master Plan; recommended a broad briefing session where both sides could present their position, and also publish articles for both in the Newsletter. Councilmember Ramsey noted that he would like to see the length of time established for the final report from the group shortened to 60 or 45 days; Councilmember Weisman suggested that if the group is established, the Council could then designate a time frame. When the motion for the establishment of the group was put to a vote, it was approved by the majority of the Council, with Councilmember Saloma voting in the negative. Mayor Abbott directed the City Administrator to prepare an article for the Newsletter requesting volunteers for the group.

6. Authorization to solicit bids on Recreation Department play equipment, using Community Development Block Grant Funds. Upon motion by Councilmember Holland, duly seconded by Councilmember Patrick, authorization was granted by the Council for the solicitation of bids.

7. Discussion of City's position on proposed Metro and Metrobus fare increase. Noting that if the City does not make a commitment to public transportation useage, there will be more problems in the future, Mayor Abbott made a motion, duly seconded by Councilmember Saloma, that the Council take a position of opposition to the increase in fares for the Metro system. It was noted by Councilmembers that Metro would not be increasing patronage by increasing the fares. Carl Iddings stated that included in the fare increase proposal was also the discontinuation of Metrobus service to Prince George's County after 8:00 PM on weekdays and no service at all on weekends. Councilmember Garcia requested that the City also oppose the service cut-back, noting that it would affect many residents of the City. Mayor Abbott agreed to include this in the motion, which when put to a vote, was approved unanimously by the Council.

Upon motion, duly seconded, the meeting adjourned at 12:25 AM, to reconvene on Monday, November 24, 1980, at 8:00 PM.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

ATTACHMENT A Regular Council meeting minutes
November 10, 1980
PROPOSED ORDINANCE

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

- SECTION 1. THAT whereas many vehicles have been observed by citizens and law enforcement officers travelling on Holly Avenue at excessive rates of speed, thereby endangering the lives and property of citizens; AND
- SECTION 2. THAT in an effort to minimize these dangers, the actions enumerated in the sections below shall be instituted:
- SECTION 3. THAT standard pedestrian cross-walks shall be established by painting the appropriate markings on the following roadways:
- (a) On Holly Avenue, immediately north of its intersection with Tulip Avenue;
 - (b) On Holly Avenue, immediately north of its intersection with Dogwood Avenue;
 - (c) On Dogwood Avenue at its intersection with Holly Avenue; and
 - (d) On Tulip Avenue at its intersection with Holly Avenue; AND
- SECTION 4. THAT "Children at Play" signs shall be installed in the Holly-Dogwood-Tulip Avenue area, with the specific locations to be determined by the Chief of Police; AND
- SECTION 5. THAT, in accordance with Sec. 13-28 of the Code of Takoma Park, 1972, limiting the speed of vehicles to 25 miles per hour on all City streets except those streets for which a higher rate has been prescribed by competent authority, four (4) signs denoting the 25 miles per hour speed limit shall be installed on Holly Avenue, two signs controlling northbound traffic and two signs controlling southbound traffic, with specific locations to be determined by the Chief of Police; AND
- SECTION 6. THAT all vehicular traffic travelling in either a northerly or southerly direction on Holly Avenue shall come to a complete stop at its intersection with Dogwood Avenue, thereby creating a 3-way stop; AND
- SECTION 7. THAT all vehicular traffic travelling in either a northerly or southerly direction on Holly Avenue shall come to a complete stop at its intersection with Tulip Avenue, thereby creating a 3-way stop; AND
- SECTION 8. THAT the Director of Public Works, in consultation with the Chief of Police, is hereby authorized to proceed with the installation of signs and the striping of roadways to effect the directives of the sections above; AND
- SECTION 9. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 10. THAT the penalty for violation of Sections 5, 6 and 7 of this ordinance shall be as prescribed in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT it has been determined that access to the Ride-on bus in the 7600 block of Maple Avenue and the 7300 block of Takoma Avenue is both difficult and hazardous, and that larger loading zones are desirable.
- SECTION 2. THEREFORE THAT bus loading zones be established by instituting the following parking prohibitions at the locations indicated:
- SECTION 3. THAT parking shall be prohibited on the east side of Maple Avenue from its intersection with Lincoln Avenue southward for a distance of ninety-two (92) feet; AND
- SECTION 4. THAT parking shall be prohibited on the west side of Maple Avenue, from the driveway of 7620 Maple Avenue southward for a distance of one hundred (100) feet; AND
- SECTION 5. THAT parking shall be prohibited on the north side of Takoma Avenue from its intersection with Buffalo Avenue for a distance of one hundred (100) feet eastward in the direction of Piney Branch Road; AND
- SECTION 6. THAT parking shall be prohibited on the south side of Takoma Avenue from a point beginning 732 feet from the intersection of Takoma Avenue and Fenton Street and extending eastward for a distance of 120 feet in the direction of Piney Branch Road; AND
- SECTION 7. THAT the Director of Public Works is hereby directed to install appropriate signs at the above-described locations; AND
- SECTION 8. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 9. THAT the penalty for violation of Sections 3, 4 and 6 of this Ordinance shall be as prescribed in Sec. 1-17 of the Code of Takoma Park, 1972, as amended; AND
- SECTION 10. THAT the penalty for violation of Section 5 of this Ordinance shall be as stated in Sec. 13.63.1(i), Code of Takoma Park, 1972, as amended.

ORDINANCE NO. 2539

AN ORDINANCE entitled "Human Relations and Civil Liberties" to prohibit discrimination on account of race, color, sex, religious creeds, ancestry, national origin, age, marital status or handicap in public accommodations, housing and employment within the corporate boundaries of the City of Takoma Park, Montgomery County, Maryland, and to provide for relief from such practices and to prevent such practices from occurring within the City of Takoma Park by authorizing the enforcement of this Ordinance by the Human Relations Commission for Montgomery County, Maryland.

BE IT ORDAINED by the Mayor and Council of the City ~~(TOWN)~~ of Takoma Park, Montgomery County, Maryland, that an Ordinance entitled "Human Relations and Civil Liberties" being the same provisions as are contained in Chapter 27 of the Montgomery County Code 1972, as amended, is hereby adopted as follows:

COMMISSION ON HUMAN RELATIONS

Sec. 1. Statement of Policy.

It is hereby declared to be the public policy to eliminate discrimination, prejudice, intolerance or bigotry of any form that may exist on account of race, color, sex, religious creed, ancestry, national origin, age, marital status or handicap as hereinafter provided. It is further declared to be the public policy of the City of Takoma Park that discrimination in housing, employment and places of public accommodation against any person on account of race, color, sex, religious creed, ancestry, national origin, age, marital status or handicap is contrary to the morals, ethics and purposes of a free, democratic society, is injurious to and threatens the health, safety and welfare of persons within this City; and is illegal and should be abolished.

It is further declared to be the public policy of the City that the prohibitions contained in this Article are substantially similar but not necessarily identical to those contained in federal and state

law and are intended to assure that a complaint filed hereunder may be processed more promptly than possible under either federal or state law; provided, however, that it is not City policy to create a duplicate or cumulative process to those existing under similar or identical state or federal laws and once a complaint has been fully adjudicated under a similar or identical state or federal law, the complaint should not be reprocessed hereunder if the effect of such a process would only be duplicative or cumulative.

Sec. 2. Human Relations Commission

(a) The Montgomery County Human Relations Commission is hereby authorized to enforce all of the provisions of this Ordinance within the corporate limits of Takoma Park and shall have the following duties, powers and authority therein:

(1) To research, assemble, analyze and disseminate pertinent data and educational materials relating to activities and programs which will assist in the elimination of prejudice, intolerance, bigotry and discrimination, and to institute and conduct educational and other programs, meetings and conferences to promote equal rights and opportunities of all persons regardless of their race, color, religious creed, ancestry, national origin, sex, age, marital status or handicap and to promote good will, cooperation, understanding and human relations among all persons. In performance of its duties, the Commission shall cooperate with interested citizens, racial, religious and ethnic groups, community, business, professional, technical, educational and civic organizations.

(2) To cooperate with the County Executive; and all governmental agencies in Montgomery County and the City of Takoma Park concerned with matters within their jurisdictions.

(3) To study and investigate by means of public or private meetings, conferences and public hearings, conditions which may result in discrimination, prejudice, intolerance and bigotry because of race, color, religious creed, ancestry, national origin,

sex, age, marital status or handicap.

(4) To advise and counsel the residents of the County, the County Council, the County Executive and the various departments of the County, City of Takoma Park, state and federal governments on matters involving racial, religious or ethnic prejudice, intolerance, discrimination and bigotry and to recommend such procedures, program or legislation as it may deem necessary and proper to promote and insure equal rights and opportunities for all persons, regardless of their race, color, religious creed, ancestry, national origin, sex, age, marital status or handicap.

(5) To work to remove inequalities due to discrimination, prejudice, intolerance and bigotry on such problems as housing, recreation, education, health, employment, public accommodations, justice and related matters.

(6) To initiate or receive complaints of discrimination, prejudice, intolerance and bigotry from any person or group because of race, color, sex, age, marital status, religious creed, ancestry, national origin or handicap which deprives that person or group of equal rights, protection or opportunities. To investigate complaints, seek conciliation of such complaints, and if warranted, to hold hearings and make recommendations on such complaints.

(7) To adopt such rules and procedures after notice and public hearing as may be necessary to carry out the purposes and provisions of this Article; to keep a record of its hearings, activities and minutes of all meetings. The records and minutes shall be on file with the Executive Secretary of the Commission and open to the public at reasonable business hours upon request.

(8) To render at the request of the Executive or within thirty days following each quarter of the calendar year preliminary written or oral reports of its activities and recommendations to the County Executive and the County Council and a final written yearly report summarizing its activities, goals, needs and recom-

mendations.

(b) Despite the foregoing provisions of this law, the Commission is authorized to proceed with other programs which will seek to relieve group tension and/or adverse intergroup activities which may result from causes not related to race, color, sex, religious creed, ancestry, national origin, age, marital status or handicap; provided, that such action is first submitted to the County Executive; and further provided, that the County Executive does not disapprove such action.

Sec. 3. Definitions

For the purposes of this Ordinance the following words and phrases shall have the meaning ascribed to them:

(a) "Handicap" means a physical, mental, or emotional impairment of any person to which reasonable accommodation can be made and which substantially limits one or more major life activities. The term also includes but is not limited to the following: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; alcoholism or prior drug dependency or current medically supervised drug dependency; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(c) "Reasonable accommodation" means the effort necessary to make suitable a working, recreational or living environment for a handicapped person without danger to any person's health or safety or without undue hardship or expense to a business or other activity making accommodation. In rental housing, the landlord may impose

special conditions upon a handicapped tenant, the purpose of which is to protect the health and safety of the tenant and other residents of the facility. Such conditions and agreement thereto by the tenant shall be in writing. The Commission, subject to approval by the County Council, shall provide by administrative rule or regulation a procedure by which those persons covered by the provisions of this Ordinance may apply to the Human Relations Commission for a declaratory ruling as to whether or not a proposed accommodation is reasonable. The procedure for such declaratory ruling shall include all due process safeguards. Any person aggrieved by such ruling shall have the right to appeal to the Circuit Court for Montgomery County under the provisions of Maryland Rule B. Such an appeal shall also include full appellate review by the Appeal Courts of Maryland. The Commission may also prescribe by rule or regulation guidelines under which pre-employment or pre-rental inquiries may be made of handicapped individuals, the purpose of which is to determine the measures necessary to protect the health and safety of handicapped persons and others. Any inquiry so permitted shall not be used as a basis for discriminatory practices made unlawful by this Article; provided however, the results of such inquiries may form the basis for a determination of reasonable accommodation.

Sec. 4. Administration and Employment.

(a) Filing of complaints. Any person subjected to a discriminatory act or practice in violation of this Ordinance or any group or person acting on behalf of another may file with the Executive Secretary a complaint in writing, sworn to or affirmed, which shall state the name and address of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by Commission rules or procedures. Any Commissioner may initiate a complaint in the Commission's name in the same manner. The Commission may also initiate or corroborate complaints on the basis of testing carried

out by its staff or volunteers authorized by the Commission. After receipt by the Commission of the complaint, a copy or synopsis thereof shall be expeditiously forwarded to the respondent; provided, however, if the Executive Secretary deems it necessary to corroborate the complaint by testing, notice to the respondent of the complaint shall be forwarded promptly after completion of said testing. Any complaint must be filed within one (1) year of the alleged discriminatory act or practice except those acts or practices which are continuing in nature. Filing with any Federal or State agency charged with civil rights enforcement shall constitute a filing hereunder.

(b) Investigation. Upon the filing of a complaint, the Executive Secretary shall make such investigation as deemed necessary to ascertain appropriate facts and issues. During the investigation of any complaint alleging a violation of this Ordinance, and until said matters reach the stage of hearings, the activities of the Commission, the Executive Secretary or staff thereof in connection with said investigation shall be conducted in confidence and without publicity. Any and all statements, matters or materials gathered during the investigation, including the identity of the complainant and the respondent, shall be held confidential until presented at a hearing by the Commission staff investigator, except that:

(1) Any information may be released at any time if the release has been agreed to in writing by both complainant and respondent;

(2) The identity of the complainant may be disclosed to the respondent at any time;

(3) The identity of the complainant and respondent may be made public after the parties have been notified that a hearing on their case has been scheduled, whether the hearing is public or private.

The results of the investigation shall be reduced to written findings and the Executive Secretary shall determine whether or not reasonable cause exists to believe a violation of this Article has

occurred. A synopsis of the written findings shall be sent to both the complainant and the respondent.

(c) Conciliation. If the Executive Secretary determines that there is reasonable cause to believe a violation has occurred, he shall attempt to conciliate the matter. Conciliation conferences shall be informal and nothing said or done during such initial conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation shall be reduced to writing and incorporated into an enforceable order executed on behalf of the Commission by the Chairperson or Acting Chairperson. If conciliation has not occurred within 180 days after the filing of the complaint, or if the Executive Secretary determines from the circumstances at that point that conciliation attempts would be fruitless, the Executive Secretary shall promptly notify the appropriate Commission panel which shall, thereafter, expeditiously schedule a hearing. In the event that the Executive Secretary deems that circumstances warrant an extension of this 180 day period, he shall extend the time for notifying the Commission panel an additional thirty (30) days.

(d) If the Executive Secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this Ordinance, he shall so inform the Commission panel and the Commission panel may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Commission panel shall not dismiss such complaint without first affording the complainant an opportunity to appear before the Commission panel.

(e) Hearings. If the Executive Secretary fails to conciliate a complaint after good faith attempts, he shall notify the appropriate Commission panel immediately and the Commission panel shall thereafter schedule a hearing promptly to determine whether a violation of this Ordinance has been committed. Thereupon the Commission panel shall serve upon all interested parties a statement of charges

and a notice of the time and place of hearing. The respondent or his authorized counsel may file such statements or motions with the panel prior to the hearing date as it deems necessary in support of its position. The interested parties may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation as administered by the panel chairperson. The Commission panel shall keep a full record of this hearing, which record shall be public and open to inspection by any person, and upon request by any principal party to the proceeding, the Commission panel shall furnish such party a copy of the hearing record, if any, at such costs as the Commission panel deems appropriate. Provided, however, upon the written request of any party, the Commission panel has the discretion to grant a private hearing. In the event the Commission panel grants a private hearing, all matters related thereto, except the final decision of the Commission panel, shall be confidential, unless the matter is subjected to court review under the provisions of Section 27-7(g) or (h). In the event the panel chairperson, after consultation with the panel, determines, under the circumstances, that the hearing should be held before a hearing examiner in lieu of a Commission panel, the panel chairperson with the approval of the County Executive, may designate as the hearing examiner, either the County Hearing Examiner, appointed pursuant to Chapter 2-139 of the Montgomery County Code 1972, as amended, or to the extent the budget so allows, another professional qualified under standards established by the Commission.

(f) Commission decision and order. If, at the conclusion of the hearing, the panel shall determine that a respondent has engaged in an unlawful discriminatory practice or has otherwise violated the provisions of this ordinance, the panel shall issue and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent

to cease and desist from such unlawful discriminatory practice, and to take such affirmative action and prospective relief as necessary to effectuate the purposes of this law or to eliminate the effects of the discriminatory practice and such other relief elsewhere provided in this ordinance. If at the conclusion of the hearing the Commission panel shall determine upon the preponderance of the evidence of record that the person complained against has not violated this ordinance, the Commission panel shall state and publish its findings and issue its order dismissing the complaint. The Commission panel shall forward to the Executive Secretary and all parties its decision and order. A panel order shall be deemed a final Commission order. If the hearing has been held before a hearing examiner in lieu of a Commission panel, the hearing examiner shall forward to the panel a recommended decision and order including, if applicable, recommendations as to the award of damages. The panel may, after consideration of the recommended decision and order, adopt, reverse, modify or remand the recommended decision and order of the hearing examiner and then so issue its order in the manner hereinabove provided for the Commission panels. The order shall include notice that if the Commission panel determines that the person complained against has not after thirty (30) calendar days following service of the Commission panel's order complied with the order, the Commission panel will certify the matter to the County Attorney for enforcement.

(g) Appeal. Any person aggrieved by a decision and order may appeal to the Circuit Court for Montgomery County for review of such action pursuant to Chapter 1100, Subtitle B, of the Maryland Rules of Procedure.

(h) Enforcement. Upon noncompliance with any Commission orders, summons or subpoena, the Commission through its panels, Chairperson or Executive Secretary will certify the matter to the County Attorney for enforcement. The County Attorney shall promptly institute civil proceedings, including the seeking of such restrain-

ing orders and temporary or permanent injunctions, as are necessary and possible to obtain compliance with the Commission's order, summons or subpoena. In the event of an appeal filed under subsection (g), such enforcement action shall be stayed. In the event an appeal is not filed in a timely manner, the party failing to appeal shall be considered to have waived any rights for judicial review of the record supporting the Commission's order. In addition to any other court enforcement proceeding, any beneficiary of a panel order may institute judicial proceedings to enforce such order as it affects said beneficiary.

(i) Interim relief. If at any time after a complaint has been filed, the Commission determines that appropriate civil action to preserve the status quo or to prevent such irreparable harm, is necessary, the Commission may certify the matter to the County Attorney for necessary action to preserve such status quo or to prevent such irreparable harm, including but not limited to temporary restraining orders and preliminary injunctions.

(j) In the administration, investigation and enforcement of these various sections, the Commission, Commission panels and the Executive Secretary shall have authority to issue summonses and subpoenas to compel the attendance of all witnesses and the production of all documents, books, papers, records and other evidence deemed relevant and necessary to any proceeding hereunder and conduct such discovery procedures which may include the taking of interrogatories or depositions. The failure to comply with a summons or subpoena issued hereunder shall subject the offending person to an enforcement action under subsection (h), hereunder.

(k) Other Commission panel awards and remedies. In addition to the other awards and relief which are hereinafter provided, the Commission panel may, in accordance with the standards of proof set forth in Section 8, also make the following monetary orders determined by the Commission panel from the evidence of record as the actual damages, costs or losses involved or in such amounts as may

be specified below:

(1) The complainant may be awarded reasonable attorney's fees. In determining the reasonableness of attorney's fees claimed by the complainant, the Commission panel shall consider the following factors:

- a. Time and labor required;
- b. The novelty and complexity of the case;
- c. The skill requisite to perform the legal service properly;
- d. The preclusion of other employment by the attorney due to acceptance of the case;
- e. The customary fee;
- f. Whether the fee is fixed or contingent;
- g. Time limitations imposed by the client or the circumstances;
- h. The experience, reputation and ability of the attorneys; and
- i. Awards in similar cases.

(2) Should the complainant's personal property be damaged, the complainant may be awarded damages not exceeding any expenses actually incurred in repairing the damage or in replacing the property, if such replacement is found by the Commission panel to be necessary.

(3) If the complainant was required to incur travel expenses between places that would not have been incurred but for unlawful discriminatory acts or practices of respondent, the complainant may be awarded damages not exceeding such expenses. The use of the complainant's automobile shall be compensated at the rate current at the time of the violation for County employees' use of a private automobile for official business. Expenses shall not be awarded to the extent that they have been reimbursed from another source.

(4) Damages may be awarded to compensate complainant for humiliation and embarrassment suffered in an amount determined by

the Commission panel to be appropriately and reasonably warranted considering all of the circumstances, but in no event shall the amount be in excess of \$1,000.

(5) In the event an award of damages is made, respondent may be ordered to pay to the complainant, interest at the current rate, on the loss of the use of any monies arising from the act of discrimination, from the date of the discriminatory act to the date of the Commission panel or judicial order, whichever is later.

(1) Any member of the Commission, the Executive Secretary or his staff thereof, who violates the confidentiality provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000.

Sec. 5. Discrimination in Places of Public Accommodation

a. Applicability of Section.

This section applies to discriminatory practices in places of public accommodation within the territorial limits of the county, and the corporate limits of the City of Takoma Park, and shall apply and be applicable to every place of public accommodation, resort or amusement of any kind in the county or the City of Takoma Park whose facilities, accommodations, services, commodities or use are offered to or enjoyed by the general public either with or without charge, and shall include, but not be limited to, the following types of places, among others: All restaurants, soda fountains and other eating or drinking places and all places where food is sold for consumption either on or off the premises; all inns, hotels and motels, whether serving temporary or permanent patrons; all retail stores and service establishments; all hospitals and clinics; all motion picture, stage and other theaters and music, concert or meeting halls; all circuses, exhibitions, skating rinks, sports arenas and fields, amusement or recreation parks, picnic grounds, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool rooms and swimming pools; all places of public assembly and entertainment of every kind; but shall

not include any accommodations which are in their nature distinctly private, or those accommodations which make distinctions based upon sex including such facilities as private schools, rest rooms, dressing rooms, locker rooms, or other dressing facilities.

b. Prohibited Acts.

It shall be unlawful for any owner, lessee, operator, manager, agent or employee of any place of public accommodation, resort or amusement within the county and the corporate limits of the City of Takoma Park :

(a) To make any distinction with respect to any person based on race, color, sex, religious creed, ancestry or national origin or handicap in connection with admission to, service or sales in, or price, quality or use of any facility or service of any place of public accommodation, resort or amusement in the county.

(b) To display, circulate or publicize or cause to be displayed, circulated or publicized, directly or indirectly, any notice, communication or advertisement which states or implies that any facility, service, commodity, or activity in such place of public accommodation, resort or amusement will not be made available to any person in full conformity with the requirements of subsection (a) of this section or that the patronage or presence of any person is unwelcome, objectionable, unacceptable or not desired or solicited on account of any person's race, color, sex, religious creed, ancestry or national origin, or handicap.

c. Penalties.

As part of its order in a discrimination case, the Commission panel may require the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons by the respondent. The Commission panel may also order such other affirmative or prospective relief as, in the judgment of the panel, effectuates the purposes of this ordinance or is necessary to eliminate the effects of the discriminatory practice. The Commission panel may further grant monetary awards determined by the panel

from the evidence of record as the actual damages, costs or losses involved or in such amounts as may be specified below:

(a) If the complainant and/or family are denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations, complainant may be reimbursed in accordance with the standards of proof set forth in Section 8 for all expenses and compensated for all damages, resulting from the unlawful discrimination including but not limited to, the following provisions:

(1) If the complainant has been required to pay prices or charges for the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation in excess of those prices or charges normally levied by respondent, the complainant may be awarded damages not exceeding the excess prices or charges actually paid.

(2) If the complainant is denied the full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation and the complainant thereby loses an expected financial benefit or is otherwise hindered or damaged in the complainant's trade or occupation, the complainant may be awarded damages as compensation for such losses.

(3) If the complainant and/or family is denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation and the complainant and/or family is inconvenienced thereby, whether it be through the necessity of seeking other nondiscriminating places of public accommodation or otherwise, the complainant may be awarded damages for economic losses in any amount proved by competent evidence.

(b) The payment of those awards is authorized in Section 4 of this ordinance.

Sec. 6. Discrimination in Housing

a. Definitions.

For the purposes of this section the following words and phrases shall have the meaning respectively ascribed to them by this section:

Commission. County Commission on Human Relations.

Dwelling. Any building, facility or structure or portion thereof which is designed, intended or arranged for use or occupancy as a home, residence or sleeping place of one or more individuals.

Executive Secretary. A member of the County Executive's staff or his designee appointed to serve in this capacity.

Housing. Any building, facility or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more individuals, groups or families and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.

Lending institution. Any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

Person. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Real estate broker. Any person duly licensed as a real estate broker in accordance with the provisions of Article 56, Annotated Code of Maryland, 1957.

Real estate salesman. Any person duly licensed as a real estate salesman in accordance with the provisions of Article 56, Annotated Code of Maryland, 1957.

b. Unlawful Practices.

It shall be unlawful housing practice and a violation of this ordinance

(1) For any person, real estate broker or real estate

salesperson:

(a) To refuse to sell, lease, sublease, rent, assign, or otherwise transfer or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any housing or to represent that housing is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available or otherwise to deny or withhold any housing from any person because of any person's race, color, religious creed, ancestry, national origin, sex, marital status or handicap.

(b) To include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing because of race, color, religious creed, ancestry, national origin, sex, marital status or handicap.

(c) To discriminate in the furnishing of any facilities, repairs, improvements or services or in the terms, conditions, privileges or tenure of occupancy of any person because of race, color, religious creed, ancestry, national origin, sex, marital status or handicap.

(2) For any lending institution to discriminate in lending money, guaranteeing loans, accepting a deed of trust or mortgage or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing or to discriminate in the fixing of the rates, terms, conditions or provisions of any such financial assistance or in the extension of service in connection therewith because of race, color, religious creed, ancestry, national origin, sex, marital status or handicap.

(3) For any person with respect to any prohibited act specified in subsections (1) or (2) above relating to any housing, to publish or circulate or to cause to be published or circulated, any

notice, statement, listing or advertisement or to announce a policy, or to use any form of application for the purchase, lease, rental, or financing of any housing or to use any form of application for the purchase, lease, rental, or financing of any housing or to make any record or formal business inquiry in connection with the prospective purchase, lease, rental, or financing of any housing which indicates reliance, determination or decision based on race, color, religious creed, ancestry, national origin, sex, marital status or handicap. Provided, however, this shall not preclude the use of a logo or other means of advertising to advise handicapped persons that the property is suitable and/or adapted to use by handicapped persons.

(4) For any person to assist in, compel, or coerce the doing of any act declared to be an unlawful housing practice under this ordinance, obstruct or prevent enforcement or compliance with the provisions of this ordinance, or to attempt directly or indirectly to commit any act declared by this ordinance to be an unlawful housing practice.

(5) For any person:

(a) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, color, religious creed, ancestry, national origin or handicap by direct or indirect methods; or

(b) To promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant or tenant to list for sale, sell, remove from, lease, assign, transfer or otherwise dispose of any housing having the effect of inciting neighborhood unrest, community tension or fear of racial, color, religious, nationality, or ethnic change in any street, block, neighborhood, or any other area by referring to the race, color, religious creed, ancestry, national origin or

handicap of actual or anticipated neighbors, tenants or other prospective buyers of any housing; or

(c) To cause to be made any untrue or intentionally misleading statement, advertise or in any other manner attempt to incite neighborhood unrest, community tension or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area to obtain a listing of any housing for sale, rental, assignment, transfer or other disposition where such statement, advertising or other representation is false or materially misleading or where there is insufficient basis to judge its truth or falsity to warrant making the statement or to make any other material misrepresentations in order to obtain such listing, sale, removal from, lease, assignment, transfer or other disposition of such housing; or

(d) To make any representation to any prospective purchaser or lessee that any housing in a particular block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to racial, color, religious, nationality or ethnic composition of such block, neighborhood or area; or

(e) To place or sign or display any other device either purporting to offer for sale, leasing, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition; or

(f) To induce or attempt to induce the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, color, religious creed, ancestry, national origin or handicap in the area will or may result in:

1. The lowering of property values.
2. A change in the racial, color, religious, nationality, or ethnic composition of the block, neighborhood or area in

which the property is located.

3. An increase in criminal or antisocial behavior in the area.

4. A decline in quality of the schools serving the area.

(6) For any person to cause or coerce or attempt to cause or coerce retaliation against any person because such person has lawfully opposed any act or failure to act that is a violation of this section or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this subtitle or prevent any person from complying with this ordinance.

(7) For any person, real estate broker or real estate salesperson to deny any other person or real estate broker or real estate salesperson access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or other service, organization or facility relating to the business of buying, selling, or renting dwellings in the County and the corporate limits of the City of Takoma Park or to discriminate against that person in the terms or conditions of such access, membership or participation on account of race, color, religious creed, national origin, sex, marital status, ancestry or handicap.

c. Posting of notices; reports to be filed.

(a) Every real estate broker shall post in a conspicuous location in that portion of the broker's place of business normally used by the broker for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit residential building containing more than two units shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of such person's housing business normally used by that person for negotiating the rental of a dwelling unit or rooming unit therein, a notice prepared by the Commission which contains the following language, printed in black on a light-colored background, in not less than fourteen-point type:

"It is a violation of the Fair Housing Law of Montgomery County, Maryland, and the City of Takoma Park, for any real estate broker or salesperson or for any person owning or managing multi-unit apartment dwellings to:

"1. Deny housing accommodations to any person because of race, color, religious creed, ancestry, national origin, sex, marital status or handicap.

"2. Discriminate against any person because of that person's race, color, religious creed, ancestry, national origin, sex, marital status or handicap with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith."

(b) Every real estate broker, every real estate salesperson and every person who owns or manages any building containing two or more rental units shall submit to the Commission, at the time and in a manner to be prescribed in regulations duly enacted by the Commission after notice and public hearing such reports relating to property under their control as the Commission deems necessary to effectuate the purposes of this subtitle. Failure to file such reports and the furnishing of false information shall be a violation of this ordinance and subject to the enforcement provision of Section 4 of this ordinance. The identity of persons and properties contained in reports submitted under this section shall be confidential and subject to the penalty provision of Section 4 of this ordinance.

(c) Every person subject to the provisions of subsection (b) of this section shall further be required to prepare and retain for a period of one hundred twenty days from the date of submission to them all applications made for housing accommodations, and, to prepare and retain such other records, prescribed in regulations duly enacted by the Commission, as the Commission deems necessary for the filing of reports under subsection (b) of this section.

d. Penalties and Monetary Awards.

(a) Upon a finding that a violation of this section has been committed, Commission panel may order, if appropriate, the sale or rental of the dwelling unit sought by the aggrieved person or a like dwelling unit.

(b) The Commission panel may also make the following monetary awards determined by the panel from the evidence of record in accordance with the standards of proof set forth in Section 8 as the actual damages, costs or losses involved or in such amounts as may be specified below:

(1) If the complainant and/or family must pay an increased rental for similar housing, the complainant may be awarded damages not exceeding the excess rent actually paid during the period of violation, or during the period which the complainant is obligated by lease to pay to a third party, whichever is greater, provided however that the damages awarded be limited to a maximum period of two years. In the event that similar housing is unavailable, the damages shall be that amount determined as a reasonable alternative by the panel, but in no event shall the amount exceed the actual difference between the rent of the dwelling unit denied and the dwelling unit subsequently rented by the complainant.

(2) If the complainant has been required to pay a purchase price for housing in excess of prices contemporaneously paid for similar housing in the same or similar area or neighborhood by persons not unlawfully discriminated against, the complainant may be awarded damages not exceeding the price actually paid.

(3) If an offer of the complainant to purchase housing is unlawfully rejected by respondent for an equal or lower offer from another purchase, then the complainant may be awarded damages not exceeding the difference between the offer and the actual cost to complainant for similar alternative housing.

(4) If the complainant has been prevented from making an offer to purchase housing, then the complainant may be awarded damages not exceeding the difference between the intended

offer and the actual cost to complainant for similar alternative housing.

(5) If the complainant and/or family were required to move all or part of their personal property or to store said personal property, or to secure temporary quarters for the family, the complainant may be awarded damages not exceeding such moving and storage expenses for such temporary quarters.

(6) If the complainant is required to obtain financing at a higher rate of interest, the maximum amount of damages on this account shall be the present worth of the increased interest cost to the complainant.

(7) Other economic losses proven in accordance with the standards set forth in Section 8 of this ordinance.

(8) The payment of those awards provided in Section 4 of this ordinance.

e. Limitations Upon Applicability of this Section.

Nothing contained in this section shall be construed as applying to:

(1) The rental or leasing of a part of a dwelling in which dwelling the owner is residing; provided, that the dwelling shall continue to be used by the owner thereof as a bona fide residence for himself or herself and any member of his or her family; provided further, that the dwelling does not contain more than two rental or leasing units.

(2) The rental or leasing of a dwelling by any religious corporation, association or society to a person of a particular religion whose residence therein is connected with the carrying on by such corporation, association or society of its purely religious activities.

f. Licensing and Licensing Authorities.

(1) Whenever it appears that the holder of a license or franchise issued by any agency or authority of the State, County, or City of Takoma Park, is a person found to be after proper

hearing in violation of this section, the Commission may take such action it deems advisable or desirable, notwithstanding any other action it may take or may have taken under the authority the facts and identities of all persons involved in that finding for such action as the agency or authority in its judgment considers appropriate based upon the facts thus disclosed to it.

(2) Nothing in this section shall be deemed to relieve any agency or authority of the State, County, or City of Takoma Park, of its obligation to take immediate and independent action regarding a matter filed with it that also may be the subject of a complaint filed with the Commission.

(3) When a complaint is filed against a person licensed by the Real Estate Commission of Maryland and the Executive Secretary shall find that reasonable grounds exist to believe the law has been violated, the Executive Secretary shall transmit promptly a copy of his or her findings and the complaint to the Real Estate Commission of Maryland for such action as the Commission, in its judgment, considers appropriate. The Executive Secretary shall promptly forward to the Real Estate Commission the final disposition of complaints previously forwarded to the Commission.

Sec. 7. Discrimination in Employment

a. Definitions.

As used herein, the following words and phrases shall be defined as follows:

(1) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries, and their officers and agents.

(2) "Employer" includes any person, wherever situated, who employs more than six (6) employees within the County or the City of Takoma Park, either for compensation or on a volunteer basis, or who recruits individuals within the County or the City

of Takoma Park to apply for employment within the County or elsewhere; the term shall include Montgomery County, the City of Takoma Park, and its instrumentalities and agencies.

(3) "Employment agency" includes any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer.

(4) "Labor organization" includes any organization, agency, employee representation committee, group, association or plan in which employees participate directly or indirectly and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions, or privileges of employment, and any agent thereof, and any conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization.

(5) "Employee" includes any individual employed by an employer, either for compensation or on a volunteer basis, and any person seeking or applying for employment.

b. Unlawful employment practices.

(1) It shall be an unlawful employment practice to do any of the following acts because of the race, color, religious creed, ancestry, national origin, age, sex, marital status or handicap of any individual or because of any reason that would not have been asserted but for the race, color, religious creed, ancestry, national origin, age, sex, marital status or handicap of the individual;

(a) For an employer:

1. To fail or refuse to hire or fail to accept the services of or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment; or

2. To limit, segregate, or classify employees in any way which would deprive or tend to affect adversely any individual's employment opportunities or status as an employee;

(b) For an employment agency to fail or refuse to refer for employment, to assign job classifications to, or to classify or refer for employment, or otherwise to discriminate against, any individual;

(c) For a labor organization

1. To exclude or to expel from its membership or otherwise to discriminate against any individual; or

2. To limit, segregate, or classify its membership or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of equal employment opportunities, or would affect adversely the individual's employment opportunities or status as an employee, or as an applicant for employment; or

3. To cause or attempt to cause an employer to discriminate against an individual in violation of this Section;

(d) For any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training programs to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training.

(2) It shall be a violation of this section for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, retaliation against any person because such person has lawfully opposed any act or failure to act that is a violation of this section or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding or investigation under this section, or to prevent any person from complying with this section. It shall also be a violation of this section for any person to assist in, compel, or coerce the doing of any act declared to be an unlawful employment practice under this section, or to

obstruct or prevent enforcement or compliance with the provisions of this section, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

(3) It shall be a violation of this section for any person, employer, labor organization, or employment agency to print or publish or cause to be printed or published, any notice or advertisement relating to employment by such employer, or membership in or any classification or referral for employment by such labor organization, or relating to any classification or referral for employment by such employment agency, indicating any preference, limitation, or specification based on race, color, religious creed, ancestry, national origin, age, sex, marital status or handicap except that such a notice or advertisement may indicate a preference, limitation or specification which is a bona fide occupational qualification for employment reasonably necessary to the normal operation of the particular business or enterprise.

(4) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice (i) for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs, to admit or employ any individual in any such program, on the basis of race, color, religious creed, age, sex, marital status, national origin, ancestry or handicap in those certain instances where such basis is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (ii) for a religious corporation, association or society to hire and employ employees of a particular religion to perform purely religious functions.

(5) Notwithstanding any other provision of this section, it shall not be unlawful for any employer to observe the terms of a

bona fide seniority system or any bona fide employee benefit plan, such as retirement, pension or insurance plan, which is not a subterfuge to evade the provisions and purposes of this Article, except that no such employee benefit plan shall excuse an employer's failure to hire any qualified person.

c. Rights of Complainant; Civil Action by County Attorney.

(a) Any person who has been subjected to any act of discrimination prohibited under this section shall be deemed to have been denied a civil right and shall be entitled to sue for damages, injunction or other civil relief, including reasonable attorney's fees; provided, however, that no suit shall be commenced until forty-five days after a complaint alleging such an act of discrimination has been filed with the Commission; and provided further, that if any proceedings with respect to such complaint are still pending before the Executive Secretary of the Commission, the court may, in its discretion, stay proceedings before it for not more than sixty days pending resolution of the complaint. In addition to any judicial enforcement provided elsewhere in this Article, in any case in which the Commission panel determines that the person complained against has violated this section, the Commission panel may certify the matter to the County Attorney to seek any available State or Federal judicial relief in any court of competent jurisdiction on behalf of the person subjected to such violation and, where appropriate, on behalf of residents of the County similarly situated.

(b) In any case in which an employer, employment agency or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (a) of this section, the County Attorney may commence proceedings to compel compliance with such order.

(c) Whenever the County Attorney has reasonable cause to believe that any person is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this section, the County Attorney may originate a civil action in the

appropriate court by signing and filing with that court a complaint setting forth facts pertaining to such pattern or practice, and requesting back pay or such other relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as are deemed necessary to insure the full enjoyment of the rights herein described.

d. Notices to be Posted; Reports and Records.

(1) Every employer, employment agency and labor organization shall post and keep posted in conspicuous places upon its premises, where notices to employees, applicants for employment and members are customarily posted, a notice in such form and language as shall be approved by the Commission, setting forth, in summary, the pertinent provisions of this subtitle, and information pertinent to the filing of a complaint.

(2) Every employer, employment agency and labor organization, subject both to this section and to Title VII of the Civil Rights Act of 1964, shall furnish to the Commission all reports that may be required by the Equal Employment Opportunity Commission established under the Civil Rights Act of 1964.

(3) Every employer, employment agency and labor organization subject to this subtitle shall preserve all regularly kept personnel or employment records (including, but not necessarily limited to, application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship) for the term of the employee's employment and a period of six months following termination of employment. Where a charge of discrimination has been filed against an employer, employment agency, or labor organization under this section, the respondent shall preserve all personnel records, including employment applications, relevant to the charge or action until final disposition of such charge or action.

e. Reports and Records of Person Being Investigated, etc.

In connection with any investigation of a complaint filed under this section, the Commission's Executive Secretary or a fully designated representative may request such reports and pertinent records of any person being investigated or proceeded against that may relate to unlawful employment practices covered by this section and is relevant to matters raised in the complaint or is relevant to matters like or related to those raised in the complaint, and shall have the right to interview such persons as may be deemed necessary in carrying out the purposes of this subtitle.

f. Action Against Licensee, etc., Found in Violation of Subtitle.

(1) Whenever it appears that the holder of a license or franchise issued by any agency or authority of the State, County, or City of Takoma Park, is a person found to be, after proper hearing, in violation of this section, the Commission may take such action it deems advisable or desirable, notwithstanding any other action it may take or may have taken under the authority of this section, and may refer to the proper licensing agency or authority the facts and identities of all persons involved in that finding for such action as the agency or authority in its judgment considers appropriate based upon the facts thus disclosed to it.

(2) When a person doing business under contract with an agency or authority of the County, City of Takoma Park, or the State has been found, after proper hearing, to be in violation of this section, the Commission may transmit a copy of the findings and the complaint to the appropriate agency or authority for such action as it considers appropriate.

g. Penalties and Monetary Awards.

Upon a finding by the Commission panel that there has been a violation of this section, it may order, in its discretion, and if appropriate, the hiring, reinstatement or upgrading of employees, with or without back pay; admission or restoration to mem-

bership in any respondent professional associations or labor organizations; or admission to and participation in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program. The Commission panel may also order such other affirmative or prospective relief, as, in the judgment of the panel, effectuates the purposes of this section or is necessary to eliminate the effects of the discriminatory practice. The Commission panel may in accordance with the standards of proof set forth in section 8 also make the following monetary awards determined by the Commission panel from evidence of record as the actual damages, costs or losses involved or in such amounts as may be specified below:

(1) The complainant may be awarded damages not exceeding all income that would have been received from an employer or any other source of income, whether or not that employer or source of income is a respondent hereunder. Included therein shall be income for overtime work that would have been available to the complainant under normal work conditions and work routine, on an estimated basis, during the period of violation. This category shall also include the monetary equivalent of all sick leave, annual leave, retirement benefits, annuities, health benefits, and every other normal and usual employee benefit lost during the period of violation. Provided, however, back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Interim earnings, unemployment compensation, and/or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.

(2) Should the complainant be denied employment and necessarily incur expenses in order to secure other employment, including, but not limited to employment agency fees, training fees, certification fees, and the cost of uniforms or other equipment necessary for new employment, the complainant may be awarded damages

not exceeding such expenses. If the complainant is denied employment and thereafter loses the benefit of expenses incurred in anticipation of gaining said employment, the complainant may be awarded damages equal to such expenses, including but not limited to employment agency fees, training fees, certification fees, cost of uniforms or other equipment necessary for the employment.

(3) The payment of those awards is in Section 4 of this ordinance.

Sec. 8. Standards of Proof.

(a) An award of compensatory damages or attorney's fees pursuant to this ordinance shall be made only upon written petition or written amendment thereof of the complainant, whether it be made prior to or during the hearing, specifying the type and amount of damages claimed.

(b) Any award made for expenses compensable under this ordinance shall be made only upon the production of documentary evidence of such expenses, including but not limited to bills, receipts, cancelled checks and invoices. Provided, however, if such documentation cannot reasonably be produced, an award may be made upon reasonable and credible testimony and evidence.

(c) Any award made for damages compensable under all other sections of this ordinance shall be made only upon reasonable and competent evidence that the damages resulted from the respondent's unlawful discriminatory acts or practices and also will permit the panel to ascertain a reasonable basis for fixing the monetary value of the claimed injury.

Sec. 9. Severability.

The provisions of this ordinance are severable and if any provision, clause, sentence, section, word or part of thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or

parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, section, word or part had not been included therein, and if the person or circumstances to which the ordinance or part thereof is inapplicable had been specifically exempted therefrom.

Sec. 10. Effective Date.

This ordinance shall take effect on the XXXXX day following its adoption.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
NOVEMBER 10, 1980.